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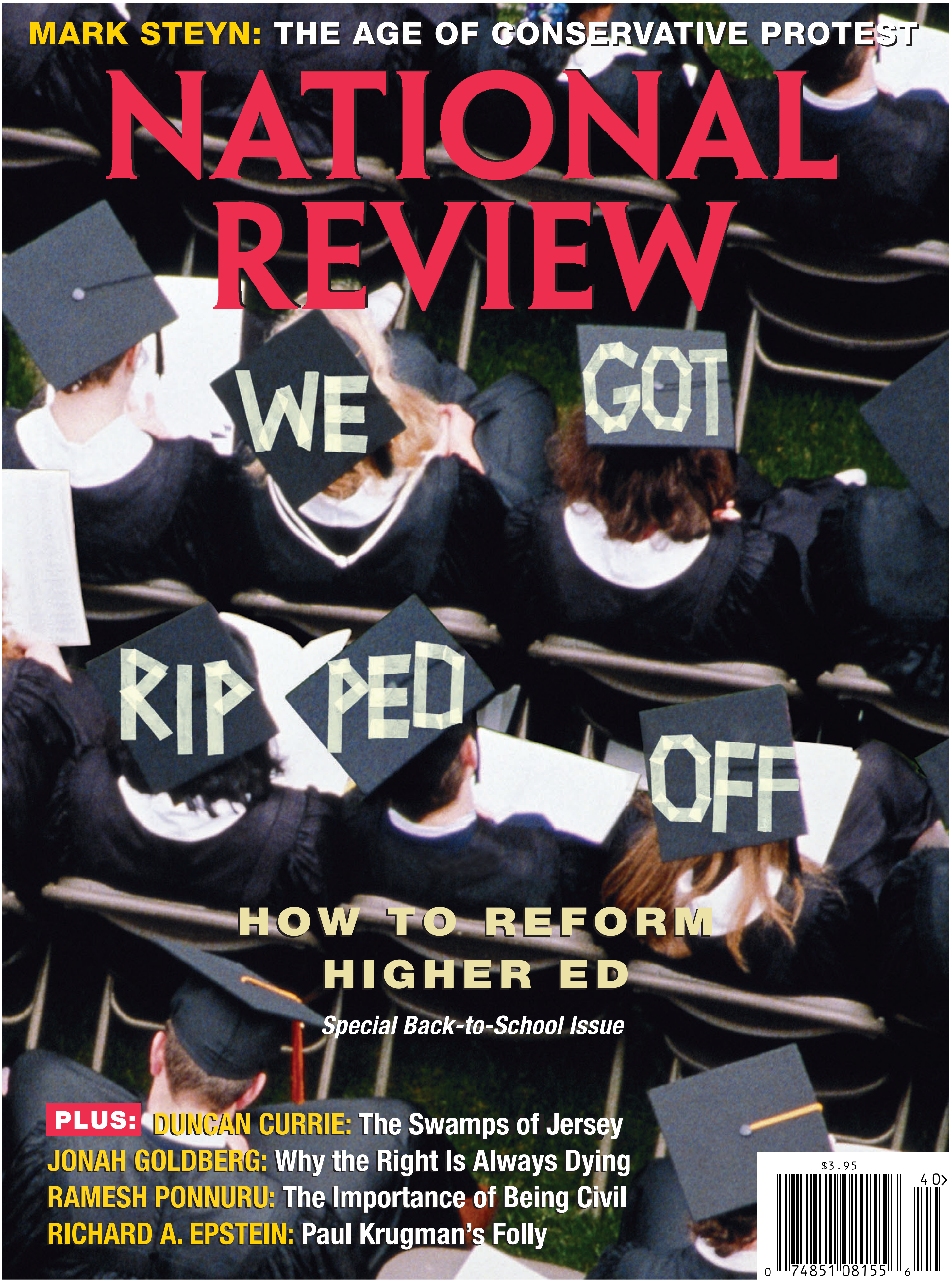

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A good argument can made that we are overinvested, or at least mal-invested, in higher education. *Richard Vedder*

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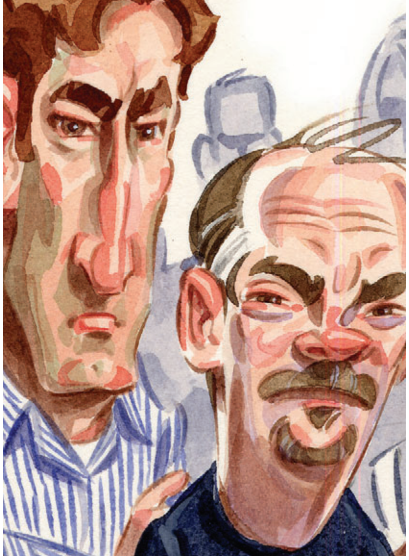

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NATIONAL REVIEW (ISSN: 0028-0038) is published bi-weekly, except for the first issue in January, by NATIONAL REVIEW, Inc., at 215 Lexington Avenue, New York, N.Y. 10016. Periodicals postage paid at New York, N.Y., and additional mailing offices. © National Review, Inc., 2009. Address all editorial mail, manuscripts, letters to the editor, etc., to Editorial Dept., NATIONAL REVIEW, 215 Lexington Avenue, New York, N.Y. 10016. Address all subscription mail orders, changes of address, undeliverable copies, etc., to NATIONAL REVIEW, Circulation Dept., P. O. Box 668, Mount Morris, Ill. 61054-0668; phone, 386-246-0118, Monday–Friday, 8:00 A.M. to 10:30 P.M. Eastern time. Adjustment requests should be accompanied by a current mailing label or facsimile. Direct classified advertising inquiries to: Classifieds Dept., NATIONAL REVIEW, 215 Lexington Avenue, New York, N.Y. 10016 or call 212-679-7330. POSTMASTER: Send address changes to NATIONAL REVIEW, Circulation Dept., P. O. Box 668, Mount Morris, Ill. 61054-0668. Printed in the U.S.A. RATES: $59.00 a year (24 issues). Add $21.50 for Canada and other foreign subscriptions, per year. (All payments in U.S. currency.) The editors cannot be responsible for unsolicited manuscripts or artwork unless return postage or, better, a stamped self-addressed envelope is enclosed. Opinions expressed in signed articles do not necessarily represent the views of the editors. **USPS ride-along enclosed.**

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WASHINGTON OFFICE 202-543-9226
ADVERTISING SALES 212-679-7330
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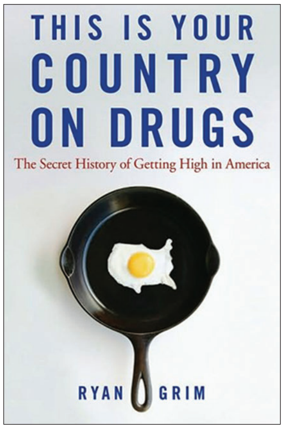
# Letters

## Just Say No

In his September 21 review of Ryan Grim's book *This Is Your Country on Drugs*, Kyle Smith says the author "makes a largely persuasive case . . . that law-enforcement efforts don't much alter the overall supply" of drugs. Well, let's see. Under traditional economic theory, if you reduce the costs of production and distribution, decrease the barriers to entry in the market, and simplify marketing and sales, prices should drop and consumption should increase. Why is that not true in this case?



One reason, of course, is that drug dealers are criminals—and if drugs were legalized, they would still be criminals. Even setting aside the moral stigma, no legitimate businessman would dare to sell drugs for fear of tort liability. When you consider how much tobacco companies have to pay in damages, and how much more dangerous than tobacco many drugs are, only a complete and utter fool would enter the business openly. A single judgment from a vengeful jury could wipe out a decade of profit.

So the same criminal gangs that currently control the drug trade would continue to do so, only now they would be dodging the process server instead of the constable. They would still use violence to protect their operations from competition (and tax collectors and tort lawyers), and they would still maintain an extralegal existence based on bribery and intimidation. And yet, whether or not they reduced their prices, they would sell more product, because they could do it without hiding from the police.

In other words, by legalizing drugs, you would take a preexisting criminal organization, put it effectively beyond reach of the law, increase its revenues, and decrease its expenses. Why exactly do Smith and Grim think this would be a good idea?

*Alfred J. Duncan*
*Syracuse, N.Y.*

## The Deeper Question

I enjoyed Wesley J. Smith's tactical analysis of recent skirmishes along the assisted-suicide front ("A Myth Is as Good as a Mile," September 21). To the extent it offered arguments against legalizing assisted suicide, though, they turned mainly on the fact that Oregon's experiment in same has facilitated abuse by persons with reason to want the patient dead. Such considerations are of course relevant, but, as always when I read about this matter, I felt incommensurable intuitions about whether the state has any business stopping people from killing themselves where the slope is not slippery. It would be worthwhile for Right to reflect, and NR to offer reflections, on this fundamental question, given that it frames the entire debate and that a certain answer to it motivates, intellectually and emotionally, the position NR opposes.

*LaVerle D. Richards*
*Blackfoot, Idaho*

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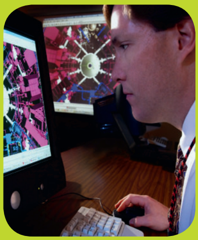

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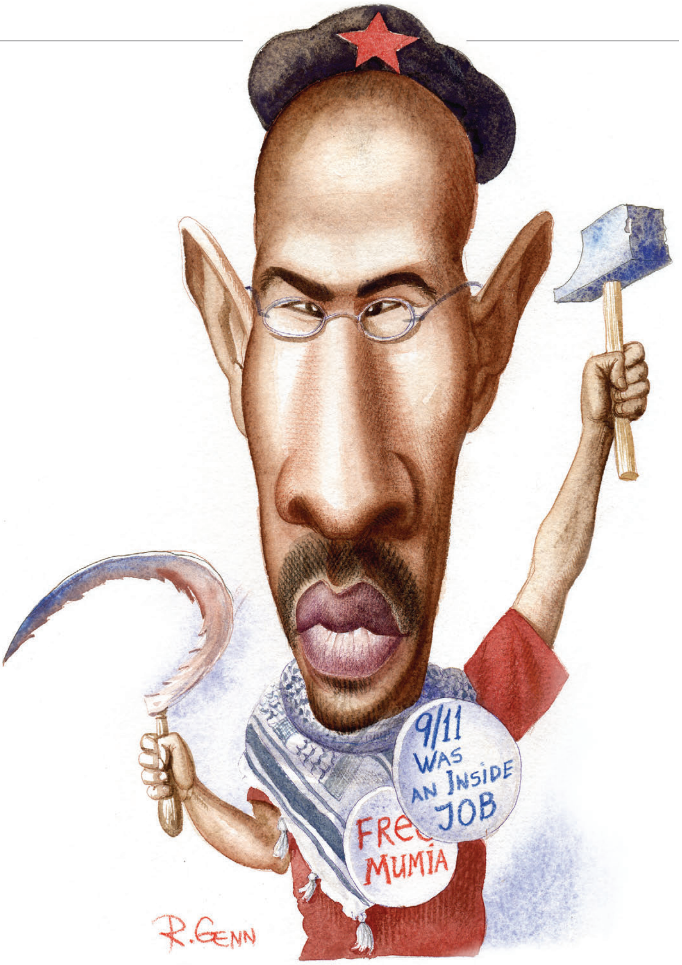
# The Week

■ We watched the videos. Who says ACORN's against entrepreneurs?

■ How big was the tea party in Washington on September 12? It was the biggest crowd in the city since Barack Obama's inauguration. To have engendered such a backlash only eight months after that history-minded burst of good feeling is quite an achievement for conservatives. Were there kooks? Some—LaRouchites, mainly. Was it all drummed up? The free-market group FreedomWorks did some inspiring and organizing. Still, the people had to come, and they did, many from hundreds of miles away—conservatives, the apolitical, some Obama voters, all alarmed by the sweep of this administration's ambitions, epitomized by but not limited to its health-care plan. Best signs: I'M NOT YOUR ATM and GRANDMA'S NOT SHOVEL-READY. A point of order: The demonstrators left very little trash behind. They hope to clean up Washington in 2010.

■ Rep. Joe Wilson will go down as the man who shouted "You lie!" at President Obama during his health-care speech to Congress. Wilson cried out after Obama said his plan would not cover illegal aliens. Indeed it would, but that was not the time or the way to set the record straight. Past instances of rudeness, even violence, in Congress—Rep. Matthew Lyon's spitting at Rep. Roger Griswold, and being caned in turn—are no excuse. Under American parliamentary procedure, we let a man have his say; then we pound him, if we can. Joe Wilson knows this, which is why he apologized. House Democrats still rebuked him, for which there is also precedent, also bad: After a Whig-run Senate censured Andrew Jackson, the next Senate, dominated by Democrats, expunged the vote from the record. Lockstep partisanship is almost as unattractive as boorishness.



ROMAN GENN

■ ACORN stands for the Association of Community Organizations for Reform Now, and the organization has a long history with Barack Obama. James O'Keefe, a conservative filmmaker, visited ACORN offices in four cities, posing as a pimp accompanied by his prostitute (Hannah Giles, an assistant). The two asked how to secure a mortgage for a brothel, which they proposed to stock with underage Salvadoran girls. It sounds like a comedy sketch, but in each office ACORN workers tried to help, giving sage counsel on dodging taxes and the police while collecting maximum welfare benefits (by, among other things, claiming underage victims as dependents). In Baltimore, Giles was told to list her occupation as "performing artist." In D.C., the faux prostitute was told to call herself an "independent consultant." "Honesty is not going to get you the house," said ACORN in Brooklyn. In California, an ACORN staffer reminisced about shooting her husband dead and her own career in prostitution. Once O'Keefe revealed his findings, the Census Bureau dropped ACORN as a partner in next year's census. Counseling fake pimps is lurid, but small potatoes. Pimping out the census to a sleazy outfit like this is an act of civic sabotage.

■ Van Jones, whose reign as the nation's "green jobs" czar has ended abortively, is a radical beyond the usual Obama-administration parameters. He hit the familiar notes—Apollo Alliance, George Soros, etc.—but also described himself as a "rowdy black nationalist" and a "Communist." He was a member of a Maoist cell known as Standing Together to Organize a Revolutionary Movement, or STORM, and he waxed enthusiastic about the prospect of using green initiatives as a political money-laundering service to shunt public funds into leftist projects. He also was a signatory to one of the 9/11 "Truther" documents alleging that the U.S. government was complicit in al-Qaeda's attacks, and that's what got him: The Obama administration did not want to spend Sept. 11, 2009, defending the repulsive views of Van Jones as they touch on Sept. 11, 2001. Jones was not some guy off the street, or somebody foisted on the administration by the Democratic machine: Obama's team recruited him. It took Glenn Beck about five minutes to discern that something was amiss with Mr. Jones after the Obama administration, with the investigative apparatus of the federal

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government at its disposal, had found nothing objectionable in the man. Or was it that they didn't object to what they found? Neither possibility suggests moral seriousness on the part of Barack Obama and his circle.

■ It's here. Criticism of President Obama, which is increasing, is said to be racist—said to be racist by the likes of Jimmy Carter and Maureen Dowd. This was almost inevitable. And we should really scratch the "almost." When the Obama campaign had trouble against Hillary Clinton in the Democratic presidential primaries, some Obama people played the race card: saying or implying the Clintons were racist. Later that year, *Slate* published an article, "If Obama Loses." The subtitle: "Racism is the only reason McCain might beat him." Representative Wilson's outburst was painted by a great many as racist—as is opposition to Obamacare in general. A writer for *Salon* said, "Cries of racism against Hillary Clinton's campaign . . . look damn silly now that we've seen real anti-Obama racism." Some presidential critics are getting nicely fed up. At the 9/12 rally, one woman held up a sign: NO MATTER WHAT I PUT ON THIS SIGN, YOU'RE GOING TO CALL IT RACIST. It is a good day in America when a black man can be president. It will be a very good day when criticism of a black president can be accepted as just that: criticism.

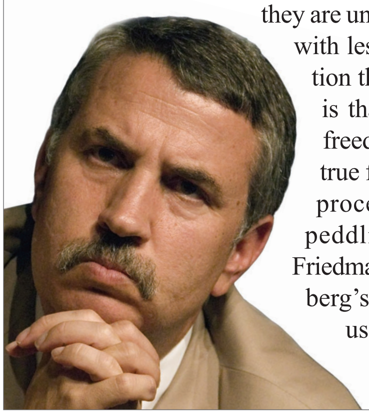
■ The raw pit has been spruced up a bit: It looks like a building site, not a wound. But eight years after 9/11 and counting, nothing has been put in place of the Twin Towers. Postmodern New York is a notoriously difficult city for getting anything done, and the local political class simply could not make new buildings happen: George Pataki, governor through 2006, was a limp nonentity, and his successors, Eliot Spitzer and David Paterson, have been, in their different ways, even worse. Probably the best course would have been to let the owner of the former towers, Larry Silverstein, take his insurance payout and build whatever he liked. The hole in New York's skyline bespeaks a hole in America's competence and resolve. It is a disgrace.

■ The case of *Wall Street* v. *Main Street* was reopened on September 15, the anniversary of the catastrophic collapse of Lehman Brothers. On Wall Street and in other broadly anti-Bush precincts, failing to prop up the crippled investment bank is considered the mortal sin of the Bush administration's final days, precipitating a massive crisis in the credit markets, a 500-point one-day drop in the Dow, "breaking the buck" at the Reserve Primary Fund, the collapse of AIG, and the near-mortal wounding of the remaining investment banks in the panic that ensued. Those who resent the bailouts and interventions of the past year, on the other hand, snort that the rest of Wall Street should have followed Lehman down the drain. The truth is that a financial sector leveraged up to the gills to cover bets on dodgy real-estate deals was kindling awaiting its spark: If it hadn't been Lehman, it would have been another firm—possibly a larger one, more interconnected with the rest of the financial word, such as Merrill Lynch. Lehman scared the Bush administration into action and, given the politically plausible alternatives, we are better off for that. But what have we learned since? Our "too big to fail" institutions are still very big and very insulated from failure. No authority has been given to the Fed to achieve the orderly dissolution of troubled firms that pose systemic risk. President Obama should turn his attention away from the wording of mortgage advertisements to this problem.

■ Does the Constitution give the federal government the power to ban the distribution of *Hillary: The Movie* in the name of "campaign-finance reform"? By extension, can the government ban the distribution of books published by corporations that advocate the defeat or election of a candidate, such as the NRA or the ACLU? The Supreme Court is considering these questions, in a case that starkly illustrates what conservatives and a few embattled liberals have long contended: that the campaign-finance laws are incompatible with free speech. Most liberals take the view that the ban on "independent expenditures" by corporations is necessary to enforce the ban on corporate donations to candidates. Seventy years of American practice suggests that they are wrong. But if they were right, it would not matter. If free political speech makes certain regulatory schemes hard to sustain, then so much the worse for those schemes.

■ In a bow to the United Steelworkers, Obama levied a 35 percent tariff on tires imported from China. Significantly, this was not a case of a domestic industry's begging for and receiving protection from foreign competition. The tire industry opposed the tariffs. The largest U.S. tire companies have relocated production of their lowest-quality, lowest-price tires to China, and the steelworkers' union, which represents tire-factory employees, objected to the companies' move and asked Obama to step into the dispute. Nor was this a case of "unfair" trade. Obama invoked a section of trade law that allows the president to levy tariffs in response to a surge in Chinese imports, regardless of whether the imports are unfairly subsidized (they weren't). The law did not compel him to act. Obama keeps telling us he isn't a protectionist. Remember that during the trade wars to come.

■ Thomas L. Friedman, the *New York Times* columnist-about-the-globe, recently wrote a paean to China. "One-party autocracy certainly has its drawbacks. But when it is led by a reasonably enlightened group of people, as China is today, it can also have great advantages. That one party can just impose the politically difficult but critically important policies needed to move a society forward in the 21st century." Friedman contrasts American arguments over cap-and-trade with Chinese plans to dominate the field of clean energy. After blackening the skies of eastern Asia for the last 30 years, maybe the Chinese should change their energy policy. But they are unlikely to pursue a new course with less corner-cutting and corruption than their old one. The reason is that their system negates both freedom and rights. They have no true free market, and their politics proceeds by fiat and influence peddling. A sorry performance, Friedman's—and one, as Jonah Goldberg's *Liberal Fascism* reminded us, all too typical of Western intellectuals.



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■ Speaking to the nation's schoolchildren, President Obama was in that strange, nouveau-American, State of the Union mode, singling out by name a number of students who had overcome serious obstacles to their education. Their stories are inspiring, and the president did well to share them. But as usual, Obama was more inspiring in word than in deed: We rather wish the president had also considered the case of Anquanette Williamson, mother of Donae and Dayonte, who was able to take her children out of Washington's disastrous public schools and send them to Calvary Christian Academy thanks to the vouchers she received under D.C.'s Opportunity Scholarship Program. "My kids' educations mean the world to me," she said, praising the program. "You saw what happened with Obama, right?" Pointing to her children: "I'm looking for the next president right here!" Obama's allies made a priority of killing the D.C. Opportunity Scholarship Program for narrow ideological reasons, leaving future Donaes and Dayontes out of luck. Obama advised students to wash their hands. He knows something about that.

# Media in Exile

WE RWTs (Right-Wing Troglodytes, in case you didn't know) are routinely accused of wanting to "turn back the clock." We want to restore the pre–New Deal "Constitution in exile" and set the dial on the time machine to anarchic 19th-century capitalism. Now let's be fair: There's some truth to all that. But we can sift the Shinola from the other stuff another time. Suffice it to say that C. S. Lewis was right when he said, "If you're on the wrong road, progress means doing an about-turn and walking back to the right road; in that case, the man who turns back soonest is the most progressive."

Conservatives aren't keen on using the state to nightstick the American people back toward the right road. Fortunately, the natural order of things sometimes does our work for us. I have in mind the ongoing transformation of "the media." Newspapers are dying. Broadcast TV news is evaporating before our eyes. Trust in the "mainstream media" is hitting historic lows according to some polls. The *New York Times*'s readership is plummeting, its price skyrocketing, and its credibility cratering.

There are aspects of this decline that make me sad. I like newspapers. A sizable fraction of my mortgage payments is dependent on the continued existence of newspapers. But I also think that the horse and buggy is a delightful conveyance and that whale-tallow candles have a splendid aroma. Life moves on.

That said, to listen to many people, you'd think God had ordained that there be a *New York Times*, a *Washington Post*, three big broadcast-news operations, and two newsweeklies, and that everyone should consider them the Word. "I am the Lord thy God, and this is your media. You shall have no media before it."

But the truth is that we are restoring what might be called the media-in-exile. For most of American history, the country was a hurly-burly of angry, loud, hyper-partisan media. The Founders thought long and hard about the role of the press and knew it was no staid affair. Alexis de Tocqueville marveled at how much more boisterous the press in America was than the court stenographers of France. Moreover, he argued that America's young democracy, thriving on "associations" between like-minded citizens, relied on newspapers to sustain a sense of community. Since groups of people could rarely meet physically, newspapers were essential. "Newspapers make associations, and associations make newspapers." Political parties had newspapers, industries and interests had newspapers, even the White House, for a time put, out its own newspaper. (Hardly necessary today, of course.)

Look around the contemporary media landscape. The web is performing precisely this function. As execrable as I may find some left-wing blogs, they are uniting communities of like-minded citizens and providing them with information and ammunition for political combat. The same is of course true on the right. Meanwhile, cable-network news is fragmenting and diversifying, appealing to different citizens, tastes, and agendas.

You might lament this development, but if so bear in mind that you are attached to an aberration. The New Deal and World War II bred a citizenry that accepted and looked to large institutions, including Big Media, to run the society. Technology reinforced the idea that news, particularly TV news, can be "objective." Walter Cronkite—absurdly—signed off with "And that's the way it is," as if his version of events were God's own point of view. Not only was the belief that the media could be omnisciently objective dumb, it empowered the liberal establishment as much as anything in the second half of the 20th century.

Truth of course matters, and news is important. And centrist, non-partisan journalism will never vanish so long as there's a market for it. But both truth and the news can be delivered by partisans. For evidence, just look at Ben Franklin and Thomas Paine, the muckrakers, and Woodward and Bernstein. Or just look at those kids making ACORN videos.

—JONAH GOLDBERG

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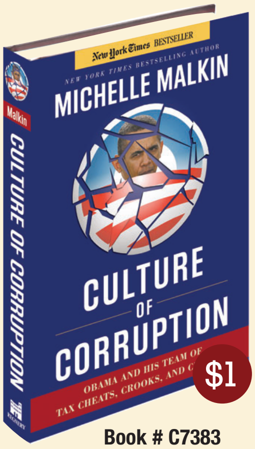

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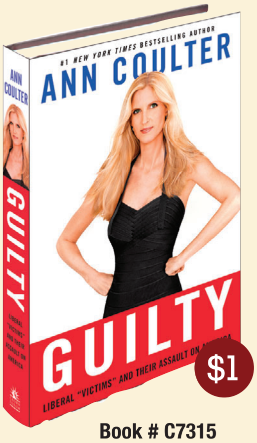

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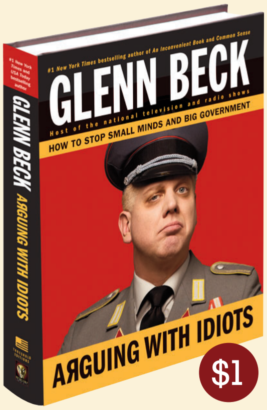

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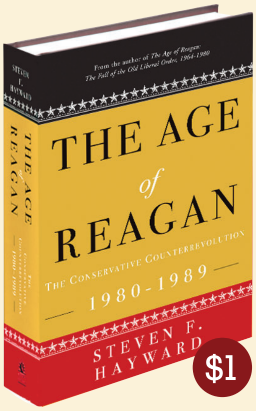

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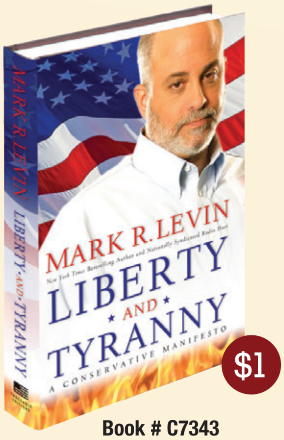

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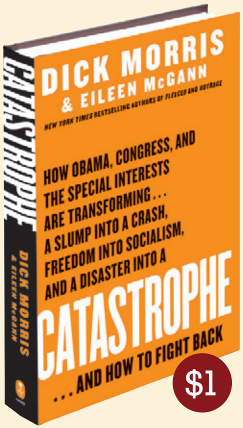

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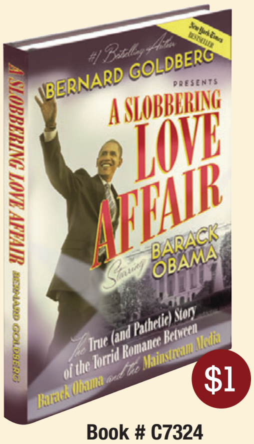

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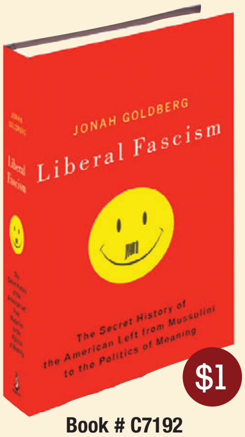

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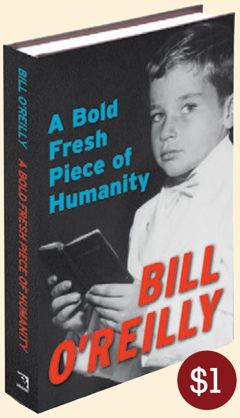

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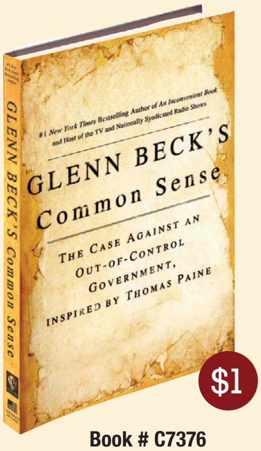

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■ Bill made a lot of noise for a day or two, but the whole thing soon blew over; and Fred kicked up a storm, but it also ended quickly. And that's been it for hurricanes this year. Some skeptics doubt that Barack Obama is the messiah, but you have to admit that, after less than a year in office, he has already calmed the winds and stilled the waters. Now let's see how he does with healing the sick.

■ Earlier this year, National Review noted that a ridiculous toy-safety law—among other things, it essentially banned books printed before 1985 because the ink in them contains a trivial amount of lead—had gone into effect. Things have only gotten worse: More of the law's provisions became active in August; these demand that toy makers affix "permanent, distinguishing marks on [each] product and its packaging, to the extent practicable." Such labels must include information about when and where the product was manufactured, for the purpose of facilitating recalls. As the Manhattan Institute's Walter Olson explained in the *Wall Street Journal*, these first two phases have already cost businesses billions while improving safety little, and a third (featuring expensive product-testing requirements) is set to hit in February of next year. Yet the only sign that Congress cares has been a House Energy and Commerce Committee hearing at which a single witness—a strong advocate of the law, naturally—was allowed to testify. Can someone order Congress to recall ill-considered legislation?

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■ Robert McDonnell, the Republican candidate for governor of Virginia, continues to lead in the polls, much to the consternation of the *Washington Post*. The *Post* ran a breathless story on a socially conservative master's thesis McDonnell wrote 20 years ago, and subsequently ran story after story on the alleged "firestorm" this revelation provoked. The polls have not budged, and the story's main effect seems to have been to distract Democratic candidate Creigh Deeds from coming up with plans on transportation and education to compete with McDonnell's. Perhaps the firestorm is in the *Post*'s newsroom, which is burning up what remains of its credibility.

■ The day Congress returned from its August recess, Sen. Arlen Specter posted this message on his Twitter account: "Your first day back in Washington and you're already skipping more votes, Congressman Sestak?" Rep. Joe Sestak, who will challenge Specter in next year's Democratic primary, did indeed miss House votes that day, but he was not "back in Washington"—because his father had died over the weekend. Senator Specter's change of parties appears unlikely to change his reputation for tact and discretion.

■ The Afghan election made Illinois in the good old days look like a paragon of good government. Supporters of incumbent president Hamid Karzai stole votes early and often. In the current count, he leads the second-place finisher, former foreign minister Abdullah Abdullah, 54–28, just above the threshold of 50 percent that is required to avoid a runoff. An election designed to give the government more legitimacy may achieve the opposite. What to do now? First, let the recount and complaint process play out. Second, realize we're probably stuck with Karzai and it's not the worst thing. The fact remains that he outpolled Abdullah by a wide margin. And Karzai is a Pashtun who is not, like Abdullah, aligned with the Tajik-dominated Northern Alliance—important at a time when we are trying to defeat a Pashtun-based insurgency. Third, pressure Karzai to try to recover the legitimacy he lost in the election, by cashiering corrupt and incompetent officials. Asked by a journalist whether he thought President Ngo Dinh Diem of South Vietnam was the next Winston Churchill, then–Vice President Johnson replied, in his inimitable style, "S***, man, he's the only boy we got out there" (a judgment vindicated after the Kennedy administration sponsored a disastrous coup against him). Much the same could, at this juncture, be said of Hamid Karzai.

■ President Obama has agreed to talks with Iran on the understanding that the Iranian nuclear project is the real issue to be negotiated between the two countries. Iranian president Mahmoud Ahmadinejad has agreed to talks with the United States on the understanding that the nuclear project is an afterthought to the discussion. On behalf of the administration, officials and diplomats are pitching expectations at a level hardly higher than a shrug. On behalf of Iran, officials and diplomats speak as though they have victory over the United States already in their pocket. They want everyone to be as afraid of them as their own population already is. Tehran, they like to emphasize, will never give up its right to produce nuclear fuel, and is ready to defend itself against international pressure and any military strike. As in the fruitless past, talks are to include Russia, China, Britain, France, and Germany, and the U.S. has even engaged Javier Solana, the man in charge of foreign policy for the European Union, to be the intermediary. Should the talks fail to materialize, or to provide any meaningful outcome, the next option is sanctions. But Russia will not go along with that, as its foreign minister has made clear. The course of events looks set to move from slow motion to stalemate.

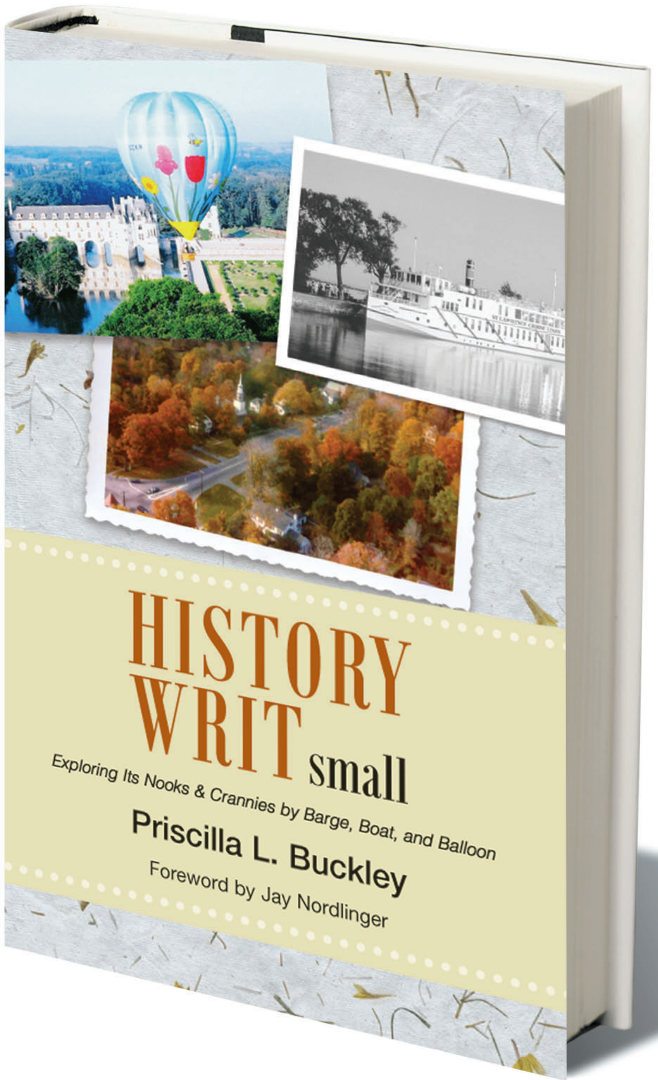
■ One of Iran's numerous weaknesses is its absence of refining capacity, and the need therefore to import as much as 40 percent of its domestically consumed gasoline. This leaves it vulnerable to sanctions, if foreign exporters can agree to impose them. Venezuela is stepping into the breach. Its caudillo, Hugo Chávez, has signed an agreement to provide, beginning in October, 20,000 barrels of gasoline a day. With the payments received, Venezuela is to purchase Iranian machinery and technology. The anti-American alliance of this pair takes peculiar twists and turns. The Iranians flatter Chávez for his support of "resistance"—that

# Up, Up, and Away With Priscilla Buckley

## a new delightful book from *NR*'s most seasoned travel writer

As Jay Nordlinger writes in his grand foreword to *History Writ Small: Exploring Its Nooks and Crannies by Barge, Boat, and Balloon*, "Priscilla Buckley writes who she is. That is, her writing is graceful, lovely, intelligent, learned, amusing, assured, civilized—you get the picture. Nice picture. . . ." And indeed it it nice. Even pretty. Here's just a sweet taste of the kind of beautiful writing you will find in this charming new book:

> Michel calls to the crowd that has gathered. "*Alors!* We need your help!" And soon, a dozen or more people are pulling on the ropes. And they bring us to a halt three feet from the barbed wire fence that marks the end of the field. The four Atkinsons get out at Michel's order, but Jane and I remain aboard as ballast. A blast from the burner, and we lift a bit, away from the dangerous fence. Another two blasts, and we are safe. The balloon pulls the basket over—a layover, they call it—and Jane and I, flat on our backs for a moment, find slithering out on the whole easier than climbing out, if less dignified. Michel kisses the ladies on both cheeks, *comme ci*, right cheek, *comme ça*, left cheek, and shakes Jack's and young Greg's hands. We've covered an estimated 25 kilometers in just over two hours—*Santé!* everyone.
>
> And so the flights go, each different. We might have Buddy playing games—brushing through the treetops, putting down on the still waters of a lake or pond—or Michel swooping low over a village and calling out to a family having its summer dinner in the garden: "*Bon appétit!*" or, "*La belle brune!*" in salute to the handsome mother of the family. Children in pyjamas, waving from attic windows: "Where are you going?" they call, and Jane calls back, "Wherever the wind takes us." "Come back," they plead, but come back we cannot. The wind says no.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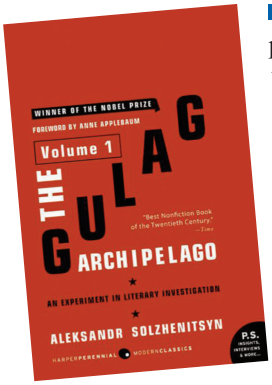
is to say, terror. Visiting Iran for the eighth time to sign the agreement, Chávez, nominally a Catholic, went to a shrine at Mashhad where he professed to his delighted Muslim hosts the central belief of their brand of Shiite Islam, that the Hidden Imam who disappeared a thousand years ago will return one day. The man is for anything, as long as it's anti-American.

■ The State Department has formally suspended non-humanitarian aid to Honduras. Furthermore, it has made clear that it will not support the outcome of the upcoming Honduran elections (scheduled for November) unless the country's recently deposed and exiled leader, Manuel Zelaya, is first reinstalled as president. Let's see if we understand this: In order to be considered "legitimate," the Honduran elections must be overseen by a Hugo Chávez disciple who was ousted from the presidency for (as Honduran supreme-court chairman José Tomás Arita wrote in the arrest order) "acting against the established form of government, treason against the country, abuse of authority, and usurpation of power." The Obama administration has effectively turned Zelaya into a symbol of democracy. He is exactly the opposite. The administration's mistreatment of the interim Honduran government is an ongoing travesty. In removing Zelaya from office, Honduran officials took a legal, constitutionally authorized stand against Chávez-style authoritarianism. They deserve praise, not punishment.

■ British prime minister Gordon Brown broke an ominously long silence on the release of the Lockerbie bomber by saying there had been "no conspiracy, no cover-up, no double dealing, no deal on oil." Hardly had he spoken when Jack Straw, his justice minister, refuted him outright, incidentally lowering the government's already low poll numbers. "There were of course wider issues of relations with Libya," as Straw put it. It was in Britain's "overwhelming interests" that Abdel al-Megrahi return to Libya, and he had therefore signed a prisoner-transfer agreement that made this possible. Six weeks later, Qaddafi ratified a £15 billion oil-and-gas deal with British Petroleum. Q.E.D., as the logicians like to say when some proposition is finally proven. On top of it, Megrahi—said to be terminally ill and supposedly released on grounds of compassion—has given interviews to the effect that he's innocent and would welcome an official inquiry into the Lockerbie bombing. The injury is enough without this insult.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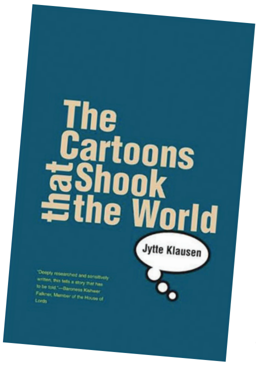
■ Has anyone ever written under more pressure than Solzhenitsyn? "Look after your health, Aleksandr Isayevich," the letters used to say. "We are all depending on you." It was Solzhenitsyn's burden to speak and report for the entire Russian people, ruled by a crushing Communism. He did his duty with brilliance, extreme courage, and grace. Malcolm Muggeridge called him "the noblest human being alive." *The Gulag Archipelago* broke the back of Soviet Communism, in a way. After the publication of this three-volume "experiment in literary investigation," as the author called it, the USSR could no longer be defended in the West—not plausibly. The book was banned in the Soviet Union, of course. And the Kremlin forced Solzhenitsyn into exile. Just this year, *Gulag* was placed on the regular curriculum of Russian high schools. History takes strange twists, we know, and some of those twists are sweet.

■ Once prosperous, stable, and well governed, Zimbabwe has been reduced to beggary, disorder, and disease by the horrible dictatorship of Robert Mugabe. In an attempt to pressure Mugabe to respect human rights and rational economics, the European Union (EU) imposed some feeble sanctions in 2002. Last year there was an election, which even Mugabe's thuggery could not swing decisively in his favor. After much wrangling and international pressure, a power-sharing government was formed; but Mugabe is still president, and still controls the armed forces and secret police. After sending a fact-finding delegation to the country recently, the EU has decided to keep sanctions in place, on the reasonable assumption that Mugabe, free of any pressure, would massacre his opposition and return Zimbabwe to one-party rule. Which would be just fine with the leaders of other southern African nations: A regional summit has just endorsed Mugabe and called for an end to the sanctions.

■ Liberal zeal on global warming has long seemed quasi-religious. Now a British court agrees. Tim Nicholson, senior executive at a property-investment company over there, was fired for protesting the firm's wanton indifference to environmental correctness. His colleagues, Nicholson said, had driven to board meetings in "some of the most highly polluting cars on the road." The tribunal ruled in Nicholson's favor, citing a new British law under which "philosophical belief" is protected alongside religious belief if it passes a test requiring it to be cogent, serious, and "worthy of respect in a democratic society." If not quite up there with Mohammed, Zoroaster, and the Son of God, apparently Al Gore can at least claim equal status under British law with Plato, Kant, and Wittgenstein.

■ It stands to reason that the land that invented Mary Poppins would turn itself into a SuperNanny state. The latest from England is that individuals and businesses not only must sort their rubbish by category, but must produce a state-mandated amount of it or pay a penalty. Mark Howard, owner of a bicycle shop in Southend, is so green that he reuses cardboard and paper waste and sells his scrap metal to a dealer. A hero for the age? Not so; instead a criminal deserving of a £180 fine. In the olden time, the king was entitled to the head of any whale captured off England's coast, and to this day the queen owns all mute swans on the Thames; but we suspect that when eco-conscious Prince Charles takes the throne, he will be proudest of all that he is entitled to dispose of every bit of Britain's rubbish.

■ In the Internet Age, any country hosting a major international event had better make sure its telecom systems have enough bandwidth to support a surge of visitors. South Africa will be host to the soccer World Cup in 2010, and it seems there could be problems. Unlimited IT, a software firm in that country, frustrated with the data-transmission speeds offered by Telkom, the nation's Internet-service provider, decided to see whether a carrier pigeon could do better. It certainly could. In a trial over the 50 miles from Pietermaritzburg to Durban, a file was downloaded to a data card, flown by pigeon, then uploaded, all in a little over two hours. In that time, the Telkom line had transmitted just 4 percent of the data. Moral of the story: If you're planning to attend the 2010 World Cup and want to keep up with your e-mail, pack a pigeon.



■ Jytte Klausen's book on the Mohammed cartoons is called *The Cartoons That Shook the World*. They certainly shook her publisher, Yale University Press, which decided, after consulting unnamed experts, to strip them from her book. Tony Blair, who is teaching a course at Yale, piped up in defense of the ban, as did journalist Fareed Zakaria, a member of the Yale Corporation. But Yale is catching flak, too. The PEN American Center urged Yale's president and corporation to review the decision, deploring "the introduction of violence or threats of violence into debates over art and ideas." Twenty-five Yale alums, including John Bolton, NR's Richard Brookhiser, and Maggie Gallagher, wrote the *Yale Alumni Magazine* asking that the "error" be reversed. The strongest statement, not surprisingly, came from a poet, Sarah Ruden, whose *Aeneid* was published by Yale. Ruden advised authors "to stay away from this non-publisher. . . . Yale Press, after breaking a crucial relationship of trust with an author's mind and work, should be called a lickspittle of fanatics."

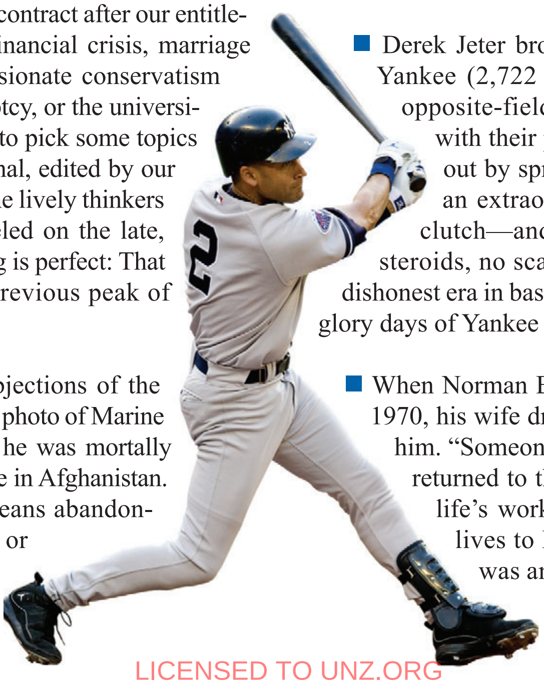
■ John Stossel, the libertarian-minded television journalist, is leaving ABC News for the Fox Business Network. About that we are of two minds: We congratulate Mr. Stossel on his well-deserved success, but we lament that he will not continue to leaven the wider airwaves. Planet Fox has a lot of freedom-loving, market-minded commentators. ABC News does not, and it needs them. We hope Mr. Stossel's viewers will follow him to his new home, and that his message will continue to reach those with eyes to see.

■ Who should care about the launch of *National Affairs*? Anyone who is interested in the social contract after our entitlements go bust, capitalism after the financial crisis, marriage after the divorce revolution, compassionate conservatism after Bush, California after its bankruptcy, or the universities after the triumph of science—just to pick some topics from its first issue. The quarterly journal, edited by our friend Yuval Levin, has assembled some lively thinkers to ponder deep questions. It is modeled on the late, lamented *Public Interest*, and its timing is perfect: That journal was launched in 1965, the previous peak of liberal technocratic smugness.

■ The Associated Press, over the objections of the Pentagon and of his family, published a photo of Marine Lance Cpl. Joshua Bernard, 21, after he was mortally wounded by a rocket-propelled grenade in Afghanistan. For the AP, journalism apparently means abandoning any sense of public-spiritedness or decency. The photo wasn't newsworthy, since we already know our men are wounded and killed in Afghanistan. And printing it arguably violated the AP's embed agreement. This was not the image of Lance Corporal Bernard—in his last extremity—that his family wanted him to be remembered by. We can never repay his or his family's sacrifice, but the AP could certainly have honored this request.

■ A wind ensemble at Henry M. Jackson High School in Everett, Wash., played Franz Biebl's "Ave Maria" at a winter concert. No words, mind you—just the music. (The Biebl "Ave Maria" is one of the most beautiful pieces of the 20th century.) The kids wanted to reprise their performance at graduation, but the school said no: because of the title of the piece. Religious, you know. Against the Constitution. One of the students, Kathryn Nurre, sued. And the case has just been ruled on by the Ninth Circuit. The student, and Biebl, and others, lost. One of the judges, however, wrote sensibly: Milan Smith warned against the barring of anything and everything with a "trace of religious inspiration." And he wrote that "unnecessary measures by school administrators will only foster the increasingly sterile and hypersensitive way in which students may express themselves . . . and hasten the retrogression of our young into a nation of Philistines who have little or no understanding of our civic and cultural heritage." We are familiar with the saying that the Bill of Rights is not a "suicide pact." It is also not the enemy of the Biebl "Ave Maria," even at high-school graduations. The good news is that some students want to play this heavenly music. They should even be allowed to sing it.

■ In its latest article on that perennial subject, Paul Robeson, the *New York Times* said two noteworthy things. It said that Robeson was "a pioneering and uncompromising human rights advocate." And it said that he was "an enthusiastic, unflagging admirer of the Soviet Union, something he never renounced or backed away from, even in the face of Stalin's atrocities." Bless the *Times* for noting Robeson's loyalty to Uncle Joe. But can you really be an uncompromising human-rights advocate *and* an enthusiastic, unflagging admirer of the Soviet Union?


DEREK JETER: PETER JENNINGS/ICON SMI

■ Derek Jeter broke Lou Gehrig's record for hits as a Yankee (2,722 and counting), with a characteristic opposite-field single. Other players may astound with their power, but Jeter impresses day in, day out by spraying hits to all fields, demonstrating an extraordinary baseball IQ, excelling in the clutch—and conducting himself with class. No steroids, no scandals, no showboating. In a low and dishonest era in baseball's history, he is a throwback to the glory days of Yankee Pride.

■ When Norman Borlaug won the Nobel Peace Prize in 1970, his wife drove into a Mexican wheat field to tell him. "Someone's pulling your leg," he said. Then he returned to the backbreaking research that was his life's work. Today, more people may owe their lives to Borlaug than to any other person. He was an Iowa farm boy who became a scientist. His development of high-yielding crop varieties led to worldwide increases in agricultural productivity and allowed mankind to defuse "the population bomb" grimly foreseen by neo-Malthusians. The environmental movement, perhaps upset at the failure of one of its long-predicted apocalypses to materialize, made Borlaug a target of its ire. He fought back with energy and enthusiasm, calling for the embrace of biotechnology and "the advent of a 'Gene' Revolution." Dead at 95. R.I.P.

■ Professor J. B. Kelly was a rare academic who came to grips with the Arab world as it really is, sometimes in the pages of NATIONAL REVIEW. His great scholarly works concern the treaties made by the British in the Persian Gulf. A New Zealander by birth, he liked to think of himself as "a wild colonial boy." His *Arabia, the Gulf and the West* is one of the fiercest polemics of the past 50 years, written with blazing scorn for those who apologize for the harm that Arab and Muslim rulers do to their people and to others. That book brought him to the attention of President Reagan and Mrs. Thatcher. He retired to France, and up to the time of his death was working on an exposé of Saudi Arabia. R.I.P.

■ He was a longtime NR friend, one of the merry gang who created the New York State Conservative party, partner at one of the nation's premier law firms, former assistant U.S. attorney, adviser on the selection of federal judges, confidant to Sen. James Buckley, former president of the Federal Bar Council and Brooklyn Law School, and much more. Paul Windels Jr.—a World War II artillery officer who fought in the Battle of the Bulge—died, having lived 88 very full years dedicated to country, family, and conservative principles. Our deepest sympathies to his family. R.I.P.

HEALTH CARE

## Keep Bickering

THE president went before Congress to say that he supports health-care legislation that will cut costs, expand coverage, and increase security, all without imposing rationing, cutting Medicare benefits, or raising taxes. Perhaps unsurprisingly, the president's poll numbers went up after this literally incredible speech.

Obama was characteristically fast and loose with the facts. Nonpartisan experts who have studied the questions do not believe that preventive care saves money and say frankly that the congressional bills will increase deficits. Obama's denial that the bill will subsidize abortion was also untrue. In two areas, the president shifted his ground. Where previously he had spoken about "47 million uninsured" Americans, he now reduced his estimate to 30 million—a tacit admission that those critics were right who said he had been exaggerating the numbers by, among other things, counting illegal immigrants. He also said that his plan did not "require" anyone to drop his current coverage, an admission that his previous claim that it would not *cause* anyone to lose his coverage was false. In neither case did he explicitly acknowledge either that he had been wrong or that his critics were right. Instead, he continued to speak as though his critics were self-interested liars.

Conservative alternatives were given short shrift. Obama dismissed the idea of replacing the current employer-based insurance system with one relying on individually purchased insurance on the ground that it would be too disruptive. In that respect, he claimed, it resembled its mirror image, a "single payer" government-run system. His own proposals were by contrast sensible and moderate. Here the president used a familiar and disreputable debater's trick. His plan is to take several steps toward a government-run system. The true alternative would be to move incrementally toward a marketplace in which individuals and families own their insurance policies. Obama has never explained why he rejects this course.

Moreover, he rejects further argument on health care as "bickering." The last word has been said. Truly the last word: Obama expressed the hope that he would be the last president to "take up" health care. With all due respect—and the amount due is diminishing by the day—we cannot agree.

The president's proposal that all people be required to buy health insurance will amount to a tax increase, first on people with low wages and then, as liberal legislation increases health costs, on everyone. His plan will expand deficits substantially, needlessly, and at the worst possible time. His cuts in Medicare target with the precision of a laser that program's most market-friendly components. The plan as a whole promises an unprecedented and likely growing level of federal interference in the practice of medicine, without giving anyone any reason to think that this interference will improve patients' health.

As the debate returns to Capitol Hill this fall, Democrats should be wondering whether passing this bill is even in their political interest, let alone the national interest—and Republicans ought to give them plenty of reasons to consider the question.

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Professor J. Rufus Fears is David Ross Boyd Professor of Classics at the University of Oklahoma. He earned his Ph.D. from Harvard University and has written four books and more than 100 articles and reviews. Professor Fears has been recognized for outstanding teaching on 24 occasions. In 2006, the Oklahoma Foundation for Excellence awarded him its medal for Excellence in College and University Teaching.

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# Civil War

*Impoliteness may help the GOP, but it's still wrong*

BY RAMESH PONNURU

THE general consensus was that Rep. Joe Wilson had done something wrong; a consensus including Wilson himself. The nature of his offense, though, caused some confusion. Some people suggested that Wilson's incivility consisted of accusing the president of lying. That accusation—the charge that the object of criticism is intentionally uttering falsehoods, that he is speaking in bad faith—is not one that should be made lightly, although it frequently is. In the game of civil discourse, it is, when meant seriously, a way of calling time-out so that someone can be ejected.

Yet it would be absurd to say that accusations of lying should have no place in politics. Almost nobody has fretted about the incivility of President Obama, who was in the middle of charging that many of the critics of his health-care plan are lying when Wilson interrupted his speech. Wilson's real offense, then, was precisely that he interrupted: He violated an important rule of democratic etiquette, that one should allow people to state their case even if one believes it to be (and even if it in fact is) dishonest and dangerous. His offense was thus precisely equivalent to that of the Democrats who booed in the middle of President Bush's 2005 State of the Union address.

The initial behavior of Democrats and Republicans and their respective sympathizers following Wilson's outburst suggested another rough consensus: that Wilson had hurt his party and his cause. This consensus may very well be wrong. The incident called more attention to Wilson's claim that the House Democrats' health-care legislation will offer subsidies to illegal immigrants, since it does not require that beneficiaries verify their legal status and Democrats had in two committees voted down amendments to impose such a requirement. Even though much of the press obscured the facts at issue, the controversy was sufficient to move the White House to support adding a verification provision to the bill.

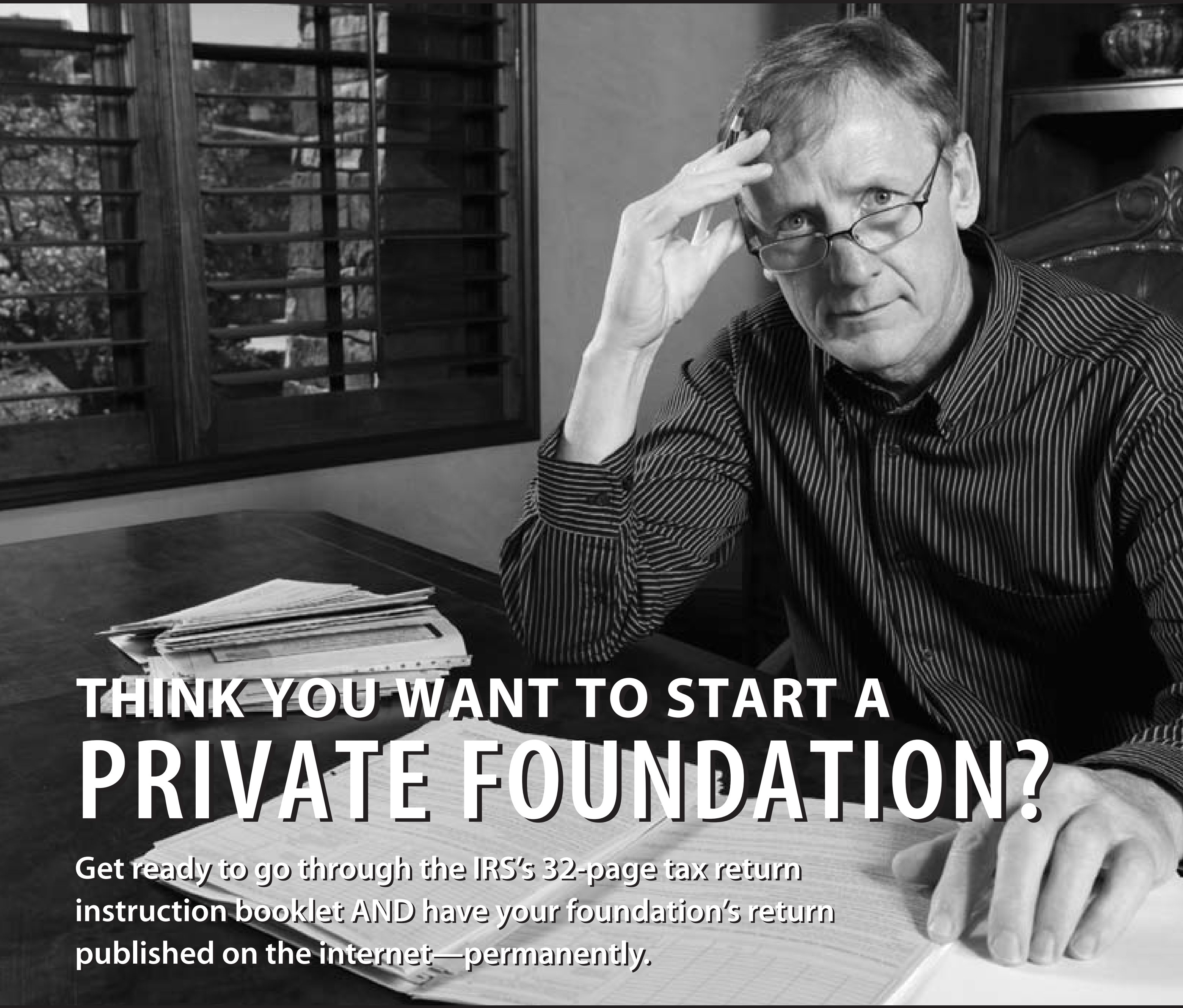
Commentators were already talking about a rising tide of conservative incivility in the weeks and months before Congressman Wilson yelled. Concern had first attached itself to Rush Limbaugh and other conservative talk-show hosts; over the summer it broadened to include town-hall protesters. This concern was not itself expressed in a notably civil manner: *Newsweek* ran a cover image of an angry-looking Limbaugh with his mouth blocked out. The Right's uncouth rage was said to be alienating middle-of-the-road voters and thus preventing any possible Republican comeback. Sometimes this fear was voiced even by people who would like to see such a comeback.

The evidence that any such effect is occurring is hard to see in the polls. Middle-of-the-road voters have been expressing more and more dissatisfaction with President Obama's agenda, job performance, and party, and a little bit more approval of the Republicans, during these days of rage.

There is of course a partisan double standard on civility. In our last issue, Jay Nordlinger provided a catalogue of Democratic boorishness from the Bush years. Howard Dean, he reminded us, said, "I hate the Republicans and everything they stand for." Terry McAuliffe said that Michael Moore was right: Bush had gone to war in Afghanistan (!) to help his business cronies. John Kerry joked about killing the president. Needless to say, Jay's list was not exhaustive.

If all of this intemperate rhetoric hurt the Democrats at all with voters—and it is not clear that it did—the effect was not so large as to outweigh the causes of their resurgence. Their incivility was clearly at least compatible with their political success, and may have contributed to it. It assisted in the formation of a large body of liberal opinion that held Bush to be dishonest, stupid, and otherwise terrible. When centrist opinion turned on him too, perhaps that preparatory work caused it to do so more brutally than it would otherwise have done.

Even if rhetorical incandescence worked for the Left, it does not follow that it will for the Right. The media's double standard presents right-wing anger as dangerous and offensive, while liberals are merely passionate. (A Halloween display in my neighborhood two years ago had Bush hanging in effigy: All in good fun, but don't try it with the president this



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year.) Republicans have another handicap. Because of their social conservatism they risk appearing intolerant, and because of their economic conservatism mean. Displays of anger can lead voters to make either association. Democrats have to contend with a different set of negative impressions—that they're soft-headed, for example—that their angry rhetoric does not deepen. It may even counter the impression that they're wimps.

Besides, if incivility helped the Democrats regain power over the last decade, it is unlikely that it helped all that much. The principal sources of the Left's revival are not difficult to identify: the years of denial that our strategy in Iraq was failing; stagnant wages; Republican corruption; the financial meltdown. The successful Democratic strategy consisted mostly of waiting for Republican mistakes and other propitious circumstances. By the end of the Bush administration, Republicans had lost much of their traditional advantage on national security and were seen as worse stewards of the economy than Democrats. The Democrats, meanwhile, retained their traditional strength on such social-policy questions as health care and the minimum wage. So they swept the field.

The political challenge for the Democrats over most of the decade was to pull closer to even on national security, and they managed to luck their way into doing so. The challenge for Republicans now is to rebuild their strength on national security and address their weakness on social policy. Loud challenges to the present administration's policies on both fronts may advance both efforts, as would any disastrous results of those policies.

But Republicans must also present plausible solutions to voters' concerns about health care, wages, and so forth—particularly if the results of Democratic policies are not unambiguously disastrous. Democrats did not have to come up with anything new on these topics during the Bush years, since these issues have not represented vulnerabilities for them. Neither making a big effort to get all Republicans to be on best behavior nor turning up the volume on conservative anger would release the Right from this obligation.

And since we cannot conclude with any confidence that civility is politically helpful, we will simply have to practice it because it is the right thing to do. As that least satisfying of maxims has it, virtue is its own reward. **NR**

# At What Cost To Freedom?

## *Obama's individual mandate is a bad idea*

BY ROBERT MOFFIT

In his address to Congress, President Obama made clear that he and his allies know how to spend your health-care money better than you do. It's a matter, you see, of "shared responsibility": You share your dollars with the feds, and the feds are responsible for making your decisions. In the health-care bill currently before the House (H.R. 3200), there is even a "Health Choices Commissioner," to be appointed by the president, who will rigorously define your choices.

On "shared responsibility," the president brooks no dissent. "Unless everybody does their part, many of the insurance reforms we seek—especially requiring insurance companies to cover preexisting conditions—just can't be achieved," he said. "That's why under my plan, individuals will be required to carry basic health insurance." This requirement is known as the "individual mandate."

The president's proposal is historic—though not in a good way. Never before has Congress forced Americans to buy a private good or service. In fact, for those with a traditional understanding of the Constitution as a charter of liberty (as opposed to the "living" version), the list of Congress's powers in Article I, Section 8, grants it no authority to require any such thing.

The Obama administration, along with its allies in Congress and throughout health-policy wonkdom, would have you believe that, on the question of a mandate, everyone of sound reputation is in agreement. That's not true; there is no consensus on this issue, any more than there is a consensus on the "public option."

For one thing, mandates are meaningless without penalties for non-compliance, and polling data suggests that Americans might accept an individual mandate, but not the penalties. This became a problem for Hillary Clinton in the 2008 presidential primaries, when Obama strongly disagreed with her proposal to impose an individual mandate—saying, among other things, that it was unenforceable (he cited non-compliance with auto-insurance laws as evidence). Clinton responded by suggesting such measures as tax penalties and wage garnishments for health-insurance scofflaws, which Obama knew would be unpopular with voters.

Now that Obama is president, he no longer objects to such penalties. In the House bill, everyone would be required to have an "acceptable" health plan (as defined by law) or pay a penalty of 2.5 percent of his adjusted gross income. This penalty is expected to bring in $29 billion over a ten-year period. In the Senate Health, Education, Labor, and Pensions Committee bill, the penalty is set at 50 percent of the price of the lowest-cost health plan participating in the bill's state-run health-insurance exchanges. That's expected to generate $36 billion over ten years.

Meanwhile, Sen. Max Baucus (D., Mont.) has unveiled a Senate Finance Committee draft that also has an individual mandate. It would levy a penalty of up to $3,800 on families for what the president calls "irresponsible behavior," by which he means health-care choices of which he disapproves. In Obama's usage, "personal responsibility" is selective; it doesn't extend to the question of taking responsibility for one's health care. That's the government's job. Of course, federal officials will have outside help in deciding for the rest of us. Powerful special-interest groups and health-industry lobbyists will do all they can to make sure that their favored medical treatments, procedures, drugs, and devices are part of the "bare minimum" that every plan must include.

Despite all this, the president is right on one key point: The current system makes those with health coverage pay for those without. And those who are without health coverage often get their care in the most expensive place possible: the hospital emergency room. The president correctly calls this a hidden tax. Under existing federal law, hospitals are required to provide treatment to everyone who comes to their emergency room, regardless of his ability to pay. There is no serious legislation

*Mr. Moffit is the director of the Center for Health Policy Studies at the Heritage Foundation.*

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under consideration that would change that.

About three-quarters of this uncompensated care, adding up to tens of billions of dollars annually, is financed, in some way, by the taxpayers. (Health-care providers absorb some of these costs by delivering charity care.) The extent and degree of this cost shifting varies from state to state. The challenge for conservatives is to address the situation in a practical way that does not reward personal irresponsibility—the free-rider problem—or curtail freedom. That means taking the principle of "personal responsibility" seriously by making sure that personal choices are clearly defined and consequential.

The experience of Massachusetts shows how hard it can be to pull off this balancing act. In 2005, as the state faced $1.3 billion per year in taxpayer-financed uncompensated health-care costs, Republican governor Mitt Romney came up with a plan. In sum, his position was that people should exercise their responsibility by choosing their own health insurance and paying their own health-care bills. The state would provide direct assistance to help low-income folks buy insurance, drawing heavily from existing government funding of health care.

In Massachusetts or Washington, no individual mandate is going to secure the goal of universal coverage.

Under the Romney proposal, those who did not wish to buy health insurance would be allowed to self-insure, but they would have to post a $10,000 bond to pay their health-care bills, such as hospital emergency care, instead of shifting them onto the taxpayer. Anyone who refused to do so would lose an exemption on his state income tax.

Romney's proposal, strictly speaking, was not a requirement to purchase health insurance; it was a requirement to pay one's health bills, through insurance or predetermined direct payment, thus reducing the burden on taxpayers. Nonetheless, it satisfied nobody. Critics on the right, especially libertarians, said it amounted to a health-insurance mandate, while those on the left said it was a weak and unnecessary substitute for the "real thing," which the Massachusetts legislature enacted in 2006: a straight mandate for individuals to buy health insurance or pay a fine.

That mandate fell short of universal coverage. Some 60,000 people, roughly 1 percent of the state's population, were initially exempted, as state officials—fearing a political backlash from labor officials, among others—refrained from imposing the mandate on some low-income people they believed would have trouble paying for insurance. So, while the state's liberal legislature allowed the government to set generous required benefit levels, politicians continued to steer money to favored hospitals, aggravating the state's health-care cost crisis. In other words, they deliberately weakened a key element of Romney's proposed reform, which was to redirect existing government funding from institutions to individuals and families. The Massachusetts experiment reminds us that in health-care policy, precision in drafting and careful implementation count as much as the broad outlines of legislation.

In Massachusetts or Washington, no individual mandate is going to achieve the goal of universal coverage. In the cases of similar mandates—auto insurance, income-tax filing, military draft registration—compliance has invariably fallen short of universal. The better course of action is to be serious about both personal freedom and personal responsibility. They go together; you cannot have one without the other. And under the House and Senate bills, we would have neither.

Requiring everyone to buy government-specified health insurance, whether they need it or not, is an unacceptable violation of personal liberty. It is a way of taxing healthy people without calling it a tax. Since that is an irresistible temptation to politicians, the list of required benefits would be certain to keep expanding.

The choice between freedom and responsibility, as the president and his congressional allies portray it, is a false choice. We can and should have both. **NR**

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# Krugman's Scapegoats

## *Rebutting the* Times *columnist's attempt to pin the market meltdown on the Chicago School*

BY RICHARD A. EPSTEIN

Hard times demand scapegoats. And demand in the scapegoat market is high right now, with economic malaise lingering after last year's financial meltdown and bank bailouts. One much-abused scapegoat is the free-market economics of the Chicago School (after the University of Chicago, where many of the school's proponents made their academic home). The basher-in-chief is Princeton economist and *New York Times* columnist Paul Krugman, who demanded, "How did economists get it so wrong?" in a recent essay. Krugman's answer heaped scorn on his Chicago foes, who, he argues, were so blinded by the beauty of their mathematical models that they drove the nation into a deep recession. The only salvation, he says, is the warmed-over Keynesian pump-priming he has long advocated.

Krugman is wrong about both the cause of and the cure for our current mess. A true academic, he operates under the delectable delusion that a credentialed economist (never mind a Chicago School economist!) has a sole hand on the economic-policy tiller. Though the former Princeton professor Ben Bernanke heads up the Fed, huge swaths of economic policy have been shaped by political operatives such as Karl Rove and Rahm Emanuel. At the same time, Barney Frank and Christopher Dodd—not exactly Milton Friedman acolytes—head key congressional banking and finance committees. Whatever witch's brew they concoct, they don't use free-market ingredients.

So it is worth asking two questions. How did we get here? How do we get out?

In Krugman's macroeconomics-dominated world, the first place to look for answers is monetary policy. His *Times*

*Mr. Epstein is a professor of law at the University of Chicago, a senior fellow at the Hoover Institution, and a visiting professor at New York University's law school.*

tirade gloats that former Fed chairman Alan Greenspan—backed by Obama's economist-in-chief, Larry Summers—mistakenly rejected calls to rein in subprime lending and to stanch the Fed's flow of cheap money. A grand blooper, to be sure, but not one that originates in Chicago-style economics: No Chicago economist supports either policy. Cheap money sets interest rates at or below the level of inflation—which is to say, it's a policy of giving away free cash, but only to those who bid up housing prices.

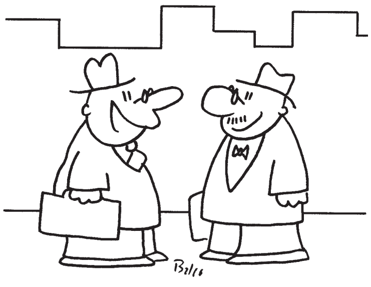
On top of all that, the lax lending-and-guarantee policies of Fannie Mae and Freddie Mac induced private banks to do exactly what we should expect of rational actors: lend on the strength of Fannie and Freddie's implicit government guarantee rather than on the dubious value of the properties in question. The Hoover Institution's John Taylor has offered powerful evidence in his pithy book *Going Off Track* that these wrongheaded policies led to a huge artificial run-up in housing stock—a development that the Chicago School's sound monetarist polices would have significantly dampened. So Chicago's response to Krugman on the first count of the indictment is a proud "Not guilty."

Krugman also misfires by implicitly treating monetary policy as the only game in town. His article never mentions the roles of securitization and mark-to-market accounting in forcing Bear Stearns and Lehman Brothers over the edge. Securitization turns out to be a mixed blessing. By cutting mortgages into slices that could be recombined in finely calibrated tranches, the wizards of Wall Street diversified geographical risk while allowing financial institutions to buy investments tailored to their portfolios. Credit-default swaps offered the illusion of insurance. Credit-rating agencies offered the comfort of a Triple-A certification.

Unfortunately, it is a law of practically Newtonian inevitability that every advance in financial technology brings with it offsetting disadvantages. Securitization was intended to help manage banks' risks, but it took away an important incentive: Banks originating mortgage-backed securities relaxed their underwriting standards because they knew they could count on guaranteed sales. That deterioration in lending quality really bit when bad times hit—but only after those securities had insinuated themselves throughout the global economy. The quantitative analysts (the math geeks who created the new securities) had had to make certain assumptions about mortgage-default rates and what changes in housing prices would do to them. Unfortunately, they had underestimated the volatility that regulation adds to the mix and had failed to account for the legal protections for mortgage borrowers. They had not done well in assessing the negative impact that systemic delays in mortgage foreclosures would have on underlying real-estate values. They had not accurately priced the statutory "rights of redemption" that in many states allowed homeowners to reclaim properties cheaply after foreclosure. And they had badly underestimated how complicated it would be to renegotiate existing loans on a mass basis, especially when many underwater homeowners were opting simply to stop making mortgage payments while barricading themselves in their homes with a big assist from consumer groups.

Other government errors compounded private-sector failures. First, SEC regulations kept new entrants out of the securities-rating game. Weak information led to unwarranted reductions in the credit ratings for some mortgage-backed securities, which in turn triggered demands for massive infusions of capital to bolster the banks and other institutions that held those downgraded assets. That, in turn, required the afflicted banks to call in loans, sell assets, and seek new investors to beef up their capital reserves. At this point, another SEC favorite—mark-to-market accounting—accelerated the downward fall. When one bank was forced to sell assets, mark-to-market required all the banks to revalue similar assets at the new, substantially lower prices, further depleting their capital cushions and triggering further destructive rounds of forced sell-offs and revaluations.

When the financial health of competing banks is uncorrelated, one bank can fetch a decent price by selling off its assets in a market with lots of buyers. But when banks' losses are correlated—and mark-to-market and other regulations helped ensure that they were—there simply is no market. Rational buyers stay on the sidelines, knowing that the coming sale of assets by one bank will send prices tumbling and force other banks holding those same assets to mark down their prices, which means that they, too, will have to sell. What we have then is a downward cascade in asset prices that stops only after they have fallen well below the value of the underlying securities, usually understood as the discounted present market value of their future cash flows. Those cascades exposed the danger of the Bush administration's decision to ease reserve requirements for fancy interbank transactions. Credit-default swaps, a form of default insurance that, for regulatory reasons, had migrated to AIG, collapsed under the weight of that avalanche. And the whole system went down.



*"Supply-side and demand-side economics are nothing compared to* bailout-side *economics!"*

It's easy to quibble about the relative proportions of private and public mistakes. But however the blame falls, Krugman is wrong to lay it at the feet of Chicago School economics, which holds that if the government offers a guarantee against bank failures it must also exercise bank oversight.

But Krugman needs to knock the Chicago School out of the intellectual marketplace to make room for his preferred policies, especially the use of Keynesian stimulus spending to jumpstart the economy. And if he is lucky, his denunciation of the alleged failures of the Chicago School might distract the public from the fact that his beloved Keynesian stimulus has been a bust. Keynes's case for pump-priming may have made sense with Depression-level income taxes, which Hoover's 1932 Revenue Act raised to a top marginal rate of 63 percent. High taxes force the substitution of inefficient public investment for sensible private investment, and FDR compounded the mistake by blessing, between 1933 and 1935, literally hundreds of industrial and agricultural cartels that killed market innovation and price competition. A better strategy today would be to get rid of the pork, lower marginal tax rates, and eliminate agricultural subsidies and protectionism. But the Obama administration is defiantly marching in the opposite direction: Tax rates will rise in 2011, if not sooner; tariff walls will remain high; unions flex their muscles; and free trade remains under siege as Chinese tires face ill-advised anti-dumping duties.

What makes this already toxic environment worse is the heightened risk of regulatory expropriation. The contretemps over the AIG bonuses was not just about $165 million in compensation. It was about the protection of contracts against government interference; if AIG employees can be browbeaten, so can everybody else. The scandalous terms of the Chrysler and GM bankruptcies sent out an equally strong signal that creditors' established priority arrangements—a Chicago School imperative—could be upset by political interference. Obama's approach, so far, relies on sham asset sales that allow politically connected unions to receive preferential treatment over other creditors as a payback for their support. It is not liquidity, as Krugman supposes, that keeps cash at home. It is a quiet, desperate want of confidence that business can be done on honest terms.

The Chicago view of efficient markets can't explain the recent meltdown, but it helps explain the other 99 percent of the financial landscape.

Matters get worse on the employment side of the picture. The vaunted Obama stimulus package was supposed to keep unemployment rates below 8 percent. Instead they are creeping toward 10 percent, with an attendant fall in real wages. The generic explanation is that higher taxes and heavier regulation drive down the demand for labor when product markets are roiled by political uncertainty.

Beyond macroeconomics, microeconomic blunders add fuel to the fire. Krugman might have noted that the recent increase in the minimum wage is particularly deadly in the face of falling real wages, especially to workers with few advanced skills. More important, he could have acknowledged that the hare-brained scheme of labor regulation embodied in the misnamed Employee Free Choice Act (EFCA) is a first-class job killer: Who wants to open a business in which a union created by dubious card-check procedures can force the acceptance of a two-year contract dictated by Obama's Department of Labor? The EFCA is dormant for the moment, but so long as organized labor has clout at the White House, dormant ain't dead. As if that weren't bad enough, the prospect of a crudely nationalized health-care system, coupled with the nightmare of a Byzantine cap-and-trade program, will put lots of sensible investments on hold and lots of jobs on ice. Investors want to know what kind of economy they are investing in.

Krugman's response is to ignore these particulars and issue a call to embrace modern behavioral economics, with its laboratory experiments and endless surveys. But none of that fancy theoretical stuff can begin to justify any of the big-ticket regulatory initiatives Obama wants to foist on the country. Nor can it fix, in some mysterious way, the ills of financial markets. I agree that the Chicago view of efficient markets (the hypothesis that market prices instantly reflect all known information) can't explain the meltdown, but it helps explain the other 99 percent of the financial landscape. Behavioral economics explains neither. What is needed is some systematic explanation of the linkage between the volatile 1 percent and the predictable 99 percent: When do market trades deviate from fundamental values, and why? My guess is that the answer will likely be found in a better understanding of the interactions between experienced and novice traders.

Krugman offers no fresh ideas of his own; he only vilifies Chicago. His macroeconomic fixation blinds him to the core of good sense in the Chicago School, which argues: Let's reduce government interference in competitive markets; let's support strong property and contract rights; let's invest in sensible public infrastructure, such as law enforcement; let's adopt a decent anti-monopoly policy; and, yes, let's promote a stable currency and adopt low, flat taxes.

We haven't done any of that. So, in a sense, Krugman was right to ask, "How did economists get it so wrong?" He should start by asking himself. **NR**

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# Conservative Panel

## *Celebrating* Mallard Fillmore's *15th birthday*

BY JOHN J. MILLER

FIVE days after the inauguration of Pres. Barack Obama, the *San Antonio Express-News* announced that it would stop publishing *Mallard Fillmore*, a conservative comic strip. The newspaper blamed its shrinking number of pages for the move. Others suspected a different motive. Why did the *Express-News* cancel *Mallard Fillmore* and not *Doonesbury*, a liberal cartoon?

The editors in San Antonio were wise enough to avoid echoing what their pious counterparts at the *Denver Post* had once said when they tried to clip Mallard's wings: "If we are truly committed to rebuilding a society in which we treat each other with respect and civility, even across vast political divides, we don't need a sneering *Mallard Fillmore* on our pages." Yet in both cases—and in many more over the years—the result was the same: Conservative readers revolted, liberal editors trembled, and *Mallard Fillmore* returned to print. "Take a bow, Mallard fans," said the *Express-News* on February 8. "We listened. You saved the cartoon."

*Mallard Fillmore* runs in nearly 400 newspapers. It doesn't have anything like the reach of *Garfield* or *Blondie*, yet in more than 15 years of syndication, this right-of-center comic strip about a duck who works as a reporter for WFDR, a fictional television station in Washington, D.C., has built a large and loyal following. It is the creation of Bruce Tinsley, a 51-year-old artist who grew up in Kentucky and now lives in Indiana. In elementary school, Tinsley discovered that he could entertain friends with his pictures of teachers and classmates. "I wasn't a very good student," he says. "I was usually drawing instead of what I was supposed to be doing." By high school, he was selling his work to a chain of weekly newspapers around Louisville. He majored in political science at

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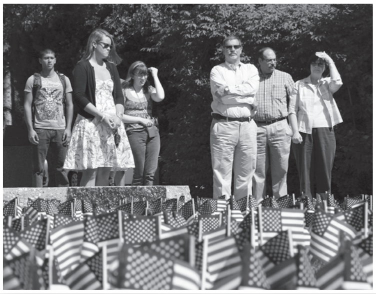

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*"I met VIPs, including Karl Rove (left) and Jonah Goldberg (below), at Young America's Foundation events! You can, too."*

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Bellarmine College, and in 1986 the *Charlottesville* (Va.) *Daily Progress* hired him as a staff artist.

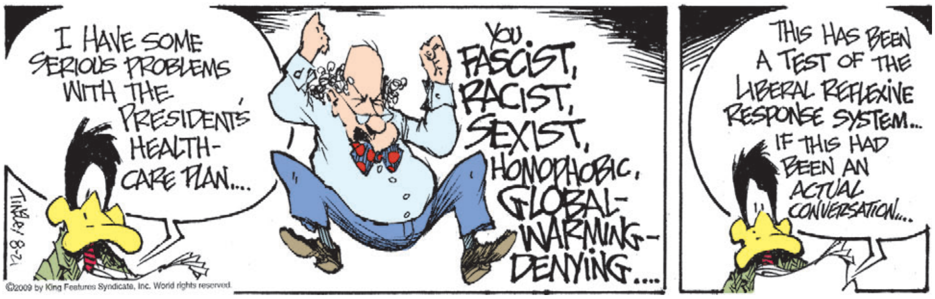
Tinsley specialized in editorial cartoons but pitched in as a writer and copy editor as well. "Most of my bosses were liberals, and they were great to work with," he says. "They didn't really care that I was conservative." That easygoing atmosphere began to change after the *Daily Progress* came under new management. When Tinsley was asked to design a mascot for an entertainment section, one of his ideas involved a blue hippopotamus. "I didn't make the hippo male or female," says Tinsley, "but someone complained that it would insult fat women." The editors preferred another animal that Tinsley had drawn, and thus the character of Mallard Fillmore was born.

From the start, the duck was popular. He became controversial as he migrated from the entertainment section into Tinsley's editorial cartoons, including a series on the National Endowment for the Arts. "This was back when Robert Mapplethorpe and Andres Serrano were still in the news," says Tinsley. In one cartoon, Mallard observes Michelangelo as he seeks a federal grant. NEA officials tell the painter of the Sistine Chapel that they like the nakedness in his art but not his portrayal of God as a man. They worry that upon seeing it, little girls will think that they can't become God.

"My editors failed to see the humor in this," says Tinsley. "So they fired me."

That was in 1991. For the next few years, Tinsley tried to make a living as a freelance editorial artist. His income was irregular. "I ate a lot of canned tuna and ramen noodles," he says. Then one day Mary Lou Forbes of the *Washington Times* called him. Looking through Tinsley's portfolio, she had spotted the old Mallard clips, and she saw potential. Forbes invited Tinsley to draw a weekly strip for the paper's commentary section. They called it *The Fillmore Files*.

"My mother realized that this was the only conservative comic strip in the country," says Tinsley. His parents drafted a press release, which they sent to exactly one recipient: *Editor & Publisher*, the newspaper industry's trade journal. It ran an item on Tinsley. Within a week, Jay Kennedy, the comics editor of King Features, called with an offer to syndicate. On June 6, 1994, *Mallard Fillmore* took flight as a daily strip.


I HAVE SOME SERIOUS PROBLEMS WITH THE PRESIDENT'S HEALTH-CARE PLAN...
YOU FASCIST, RACIST, SEXIST, HOMOPHOBIC, GLOBAL-WARMING-DENYING....
THIS HAS BEEN A TEST OF THE LIBERAL REFLEXIVE RESPONSE SYSTEM... IF THIS HAD BEEN AN ACTUAL CONVERSATION...
TINSLEY 12-8

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The timing could hardly have been better. As Newt Gingrich rallied Republicans in that year's congressional elections, *Mallard Fillmore* captured the country's political mood. Tinsley benefited from Kennedy's professional advice, too. Originally, Mallard was conceived as a newspaper reporter who battled the biases of his editors, such as the pompously left-wing Mr. Noseworthy. Kennedy urged Tinsley to turn Mallard into a television reporter. "It turns out that print journalists hate only one group more than conservatives: broadcast journalists," says Tinsley.

It also turns out that many readers are glad to have an alternative to *Doonesbury*, Garry Trudeau's durable strip, for which he has won a Pulitzer Prize. *Doonesbury* currently appears in more than 1,400 papers and is a comic institution—and a voice of establishment liberalism. For nearly 40 years it has whacked Republicans with relentless glee. In the 1980s, then–vice president George H. W. Bush felt compelled to criticize it: Trudeau, he said, "speaks for the Brie-tasting, Chardonnay-sipping elitists." Comic-strip editors have often heard the same from their readers. "They saw *Mallard Fillmore* as a way to provide balance," says Brendan Burford, who succeeded Kennedy at King Features. Today there are several conservative political strips to choose from, as well as several liberal ones. *Prickly City*, by *Chicago Tribune* cartoonist Scott Stantis, appears in about a hundred papers and is solidly conservative, as is *Day by Day*, a web-based comic strip by Chris Muir. Joining *Doonesbury* on the left are *Non Sequitur*, by Wiley Miller, and *La Cucaracha*, by Lalo Alcaraz.

Tinsley may have been a comic entrepreneur who took advantage of a market opportunity, but he wasn't a complete trailblazer. *Little Orphan Annie*, the long-running strip by Harold Gray, was conservative on the occasions when it touched on politics. Al Capp's *Li'l Abner* started out liberal but eventually moved to the right; in the 1960s, Capp lampooned campus protesters as Students Wildly Indignant about Nearly Everything (SWINE). More recently, *B.C.* became an occasional vehicle for artist Johnny Hart's born-again Christian faith, causing much earnest hand-wringing among militant secularists. (Thomas Nelson has just published *I Did It His Way*, a collection of Christian-themed *B.C.* strips.)

Editorial pages—as opposed to comic-strip pages—have always had partisan and provocative cartoons. The most influential artists have even shaped political culture. Our Republican elephant and Democratic donkey were the inventions of 19th-century caricaturist Thomas Nast. The cartoons of Mohammed in *Jyllands-Posten*, a Danish newspaper, continue to ignite controversy. Traditional comic strips, however, are usually located in the sports or lifestyle section. Newspapers see them as an oasis of light and wholesome entertainment. The goal is to win a few chuckles from a wide audience, and to generate about as much debate as a sudoku puzzle. When a typical cartoon veers into political territory, it carefully avoids taking sides. On September 2, for instance, *Heathcliff* showed a cat and a dog in a schoolyard brawl. "I believe they're discussing health care," says an observer.

*Mallard Fillmore* goes for laughs as well as the jugular. The August 21 strip showed Mallard saying, "I have some serious problems with the president's health-care plan," whereupon his boss screams, "You fascist, racist, sexist, homophobic, global-warming-denying . . ." In the next panel, Mallard explains, "This has been

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a test of the liberal reflexive response system . . . If this had been an actual conversation . . .”

A few of the newspapers that run *Mallard Fillmore* put the strip on their editorial pages. “That’s where I think it probably belongs,” says Tinsley. The cartoons certainly look the part: Tinsley is a skilled caricaturist. His images of frequent targets (Obama, Secretary of State Hillary Clinton) as well as infrequent ones (Venezuelan president Hugo Chávez, Supreme Court justice Sonia Sotomayor) are instantly recognizable. He’s almost always on the attack, too. Tinsley would much rather poke fun at a liberal than defend a conservative. Yet he doesn’t spare Republicans from his needling: Anybody who kept up with *Mallard Fillmore* in 2008 knows that Tinsley is no fan of John McCain.

Drawing a daily comic strip takes time, but it doesn’t demand nine-to-five hours. Tinsley is a stay-at-home dad who picks up his kids at school and works late into the night. Whereas editorial cartoonists can see their material in print the next day, comic-strip artists operate at least a couple of weeks in advance of their publication dates. Topicality is therefore a challenge. “I need to make sure my strips will stay relevant and funny,” says Tinsley. “Whenever you see one of my strips with dinosaurs, you know that I was awake at 4:30 in the morning, trying to make my deadline.” Occasionally, he’ll even stick a footnote into a strip, citing a news story or think-tank report. Every now and then, he makes no attempt at all to crack a joke, as when he notes a solemn anniversary or thanks our troops, past and present, for their service. Last year, he drew obituaries for William F. Buckley Jr. and Alexander Solzhenitsyn.

This spring, CBS *Late Show* host David Letterman admitted that he couldn’t bring himself to make fun of Obama. “I’m going to have to go back to telling toothpaste jokes,” he said. This earned Letterman an appearance in *Mallard Fillmore* for three consecutive days of mockery. “I don’t understand Letterman’s problem,” says Tinsley. “Obama is keeping me in business.” Many humorists still find it hard to make fun of liberal politics, but thanks to Tinsley—and the fans who stick up for him—*Mallard Fillmore* is no longer a rara avis on America’s funny pages. **NR**

# Safe-Zone Violation!

*Why sportswriters, and others, should be penalized*

BY JAY NORDLINGER

It’s an old story, but one that deserves retelling now and then: I’m talking about the injection of politics—partisan politics—into sports columns. And into other areas where partisan politics have no place. More and more, there are no safe zones.

Take a recent column in the *New York Post*. (What would Henny Youngman say?) The writer, a sports guy, was talking about a local PGA tournament. He was complaining that Tiger Woods was not sufficiently open to the media. And he wrote, “It’s not like we’re trying to pull President Obama aside for a couple of questions while he’s trying to save our country from itself.”

Now, was that really necessary? Yes, it may have been, psychologically—for the columnist.

The spoiling of sports pages by politics is a flaming red sore point among conservatives of my acquaintance. (The liberals have less cause for soreness.) You’ll often hear, “I always loved reading So-and-so”—Bill Simmons of ESPN.com, for example. “But finally I had to stop because he was constantly insulting my political views with little asides. Why do they have to do that? Why do they have to alienate half their audience, or at least some part of it?”

I could give you a thousand examples of safe-zone violations in sportswriting. So as to leave room for other topics in this issue of National Review, I will provide a relative few. I promise that they are more representative than aberrational.

A columnist for the *Boston Globe* was writing about hockey, and he said, “Bigger nets will likely bring, at most, a teeny-weeny uptick in scoring. Focusing on bigger nets, in many ways, is hockey’s version of cutting taxes—eye-catching, but ineffective.” You see, he knows about economics. And has college football’s Bowl Championship Series ever reminded you of George W. Bush and Dick Cheney? No? You’re weird.

In 2007, the *Washington Post*’s John Feinstein wrote, “The BCS Presidents are a lot like the current President of the United States. They think that if they keep repeating their lies and half-truths and remind people who they are enough times, people will buy into what they’re selling. According to one poll, only 21 percent of the American people are buying what President Bush is selling, but it sure took a long time and lot of deaths to get there.” The next year, Mike Celizic of NBCSports.com wrote, “Is Dick Cheney a member of the BCS? That’s got to be the explanation for the latest load of nonsense to come out of the outfit that runs the system by which college football does not choose a legitimate champion.”

Sarah Palin comes in for a lot of abuse, as you might expect—putdowns of her are a dime a dozen. But it’s Cheney who seems most irresistible. This is particularly true at *Sports Illustrated*’s website. Perusing it, you may suppose that anti-Cheney remarks are required by *SI*. These remarks, these little jabs and asides, amount to a big, collective tic.

Here is a passage on a San Antonio Spur: “[He] remains as unpopular among non-Spurs as Dick Cheney is among Democrats, Independents, Americans with no political affiliation, a growing number of Republicans, the great majority of the world population as well as that poor guy he filled with buckshot.” Here is a warning at the beginning of a column about David Beckham, the soccer star: “If you care about ‘Goldenballs’ about as much as Dick Cheney cares about Global Warming, feel free to click through somewhere else.” Here is a columnist confessing error: “What could I possibly have been thinking when I picked the Knicks to finish sixth in the East? . . . Dick Cheney was more accurate in his prediction that we would be greeted as liberators.”

Here is a line from a column on baseball: “The Red Sox even hired James, which is like Dick Cheney hiring a French chef.” Here is a line from another column on baseball: “Watching Bonds talk to reporters is like watching Dick Cheney when he’s asked to discuss his daughter’s sexual preference.”

Etc., etc. There are *many* more where

those came from, from innocuous to rotten. These anti-Cheney blurts and smirks seem to be an open codeword, saying, “I’m cool, I’m with-it, I’m in the club.” Sportswriting is as susceptible to groupthink as other fields.

As I said at the outset, this is not a new story: politics-in-sportswriting. Christopher Caldwell, who has just written a book about the Islamicization of Europe, once wrote a piece about the politicization of *SI*: “Sports Eliminated” (!). That was for the inaugural issue of *The Weekly Standard*, in September 1995. James Taranto, of OpinionJournal.com, has a series called “Wannabe Pundits,” which includes political forays by sportswriters—I have quoted an example or two of his above. And I myself have banged this drum for a while.

Why do sportswriters do it? Why do they bust out political? I have a theory, and it’s an easy theory—maybe a too-easy one: Sports guys, some of them, may feel a touch embarrassed about being sportswriters.

The problem is worse than ever, I believe, and I also believe that we have a broader national problem: with political talk leaking over into almost everything. The “cable culture” is all around us, and safe zones—i.e., spheres free of partisan politics—are diminishing.

Why do sportswriters do it? Why do they bust out political? I have a theory, and it’s an easy theory—maybe a too-easy one: Sports guys, some of them, may feel a touch embarrassed about being sportswriters. So they have to prove they’re just as serious—just as liberal, virtuous, and “engaged” with the world—as their colleagues on the news and editorial desks. You can almost hear them saying, “I may cover the NFL, but hey! I hate Bush as much as you do, I swear.”

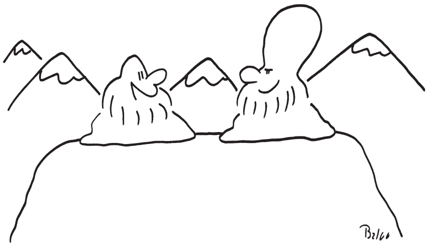
It could be, too, that they simply have a platform and are exploiting it: “As long as I have your attention on Peyton Manning, let me tell you what I think of Bush.”

Some sports guys are so political, they have simply crossed over. I mean, they have made honest men of themselves by being forthrightly political guys. Keith Olbermann of MSNBC is the most prominent such example. Other sports guys are just a blur: half sportswriter, half political pundit. The other week, Frank Fitzpatrick of the *Philadelphia Inquirer* devoted his column to mocking protests over health care. The sports fig leaf, I suppose, was that health-care policy was the latest “blood sport,” reminiscent of “an Eagles-Jets game.”

It’s not only the sports sections of newspapers that are infected by politics—other ostensibly non-political sections may be unsafe zones. A correspondent of mine told me, “I stopped reading the *New York Times* in the ’80s, when the cooking columns started saying things like, ‘Just as Reagan should have known it was time to [do X], you must carefully monitor the exact time to [do Y].’” I have even heard complaints about chess columns.

And would you like to hear about another unsafe zone? Let’s go on a city tour. Recently, a newlywed couple I know traveled to New York to spend a few special days. They took an open-air bus tour, and the guide peppered his commentary with anti-Republican jibes. For example, as the bus cruised up Sixth Avenue, he pointed out Fox News, calling it “the voice of evil.” That certainly says to conservative-leaning couples, “Happy honeymoon!”

Of course, everyone has a right to an opinion, but people often confuse what you have a right to do with what’s right to do. (I heard Bill Bennett say that, long ago.) I love opinions, heaven knows, including political opinions: but they have their place.



*“Have you been working out?”*

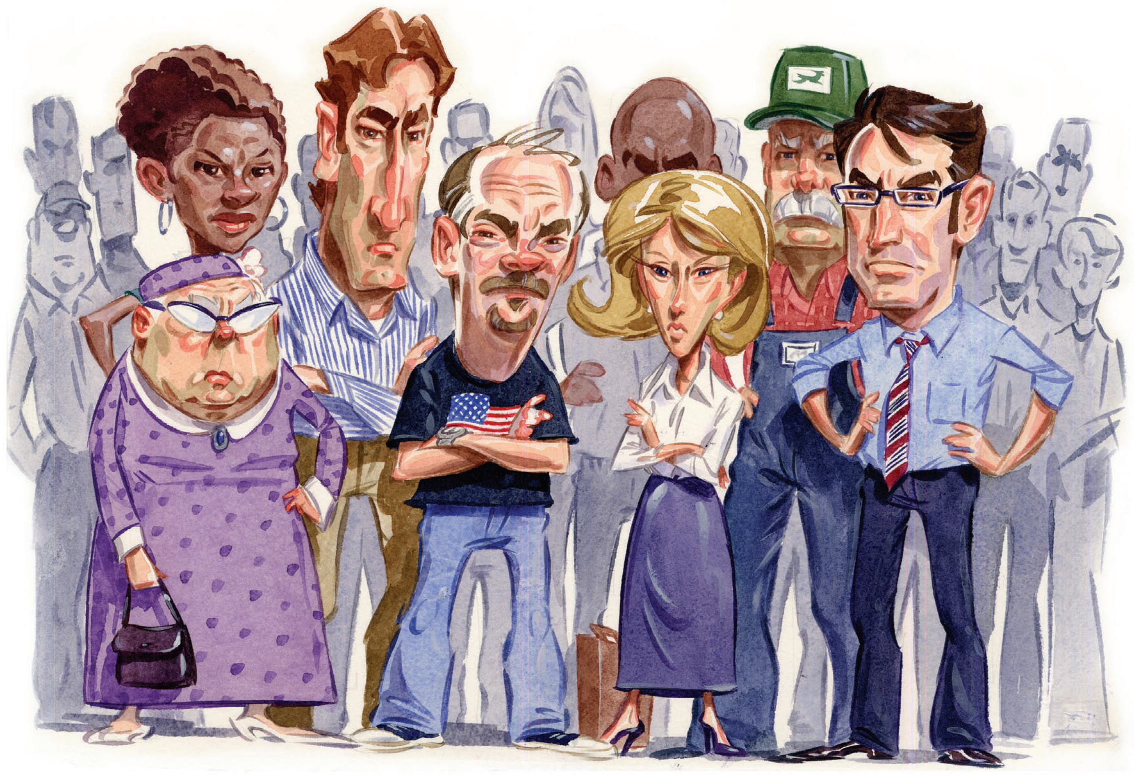
Last winter, wearing a music critic’s hat, I covered a chamber concert in New York’s Weill Recital Hall. A composer mounted the stage to give a talk about a piece of his, about to be played. Any talking at a concert is bad enough: but our guy duly inveighed against Bush and hailed the new president, Obama. I mentioned this, not in a concert review—which would have been perfectly within bounds, as the composer had injected politics into the evening—but on a political blog.

Our guy wrote me a profane e-mail saying (in essence), “Hey, no fair! You’re supposed to be a music critic. Why don’t you do your job?” I replied that the same question could be asked of him. To his credit, he took the point, and most graciously.

There are people who like walls of separation and those who don’t. I like my sports, music, food, etc., politics-free. Others think that this is some sort of moral or civic negligence, or simply naivety. Laura Ingraham wrote a book about entertainers and politics called *Shut Up & Sing*. When I look at such publications as *Sports Illustrated*, I think of a variation: “Shut up and write about sports!”

Care for a final nugget? A football columnist at the *Philadelphia Daily News* wrote, “The [Eagles’] offensive numbers are poor, but if you really want a scary, my-daughter-married-a-Republican moment, take out the Detroit game and look at them again.” I’m sure that Republican readers in Philly enjoyed that fleck of mud in their morning cereal.

As I keep saying, I could provide examples of these violations and intrusions till the cows come home. When I brought up the subject recently at NATIONAL REVIEW ONLINE, I got an e-mail from a sportswriter at a major daily. He said, “Dear Sir: What the f*** [no asterisks] are you talking about? Love, The sportswriting community.” Take an honest look at sportswriting in America today and you’ll see. Love, Me. **NR**



# Right Turn on Main Street

*Thank goodness for the tea-party crowd and their collective anti-collectivism*

### BY MARK STEYN

“THE people! United! Can never be defeated!” You need a bit of collectivism for street protest, which may be why conservatives have never been much good at it. I don’t mean merely in the philosophical sense that collectivist action for individual liberty is reminiscent of the old Steve Martin sketch where he’d get the crowd to chant along with his non-conformists’ oath:

“I promise to be different.”
(“I promise to be different.”)
“I promise to be unique.”
(“I promise to be unique.”)
“I promise not to repeat things other people say.”
(“I promise not to repeat things other people say.”)

Yet on the streets of Washington we have the Martinesque sight of hundreds of thousands of Americans standing shoulder to shoulder for the right to be left alone. Aside from the philosophical paradox, there are practical difficulties to be overcome. These people have jobs. I mean real jobs, not the kind where it doesn’t matter whether you turn up, or in which jumping up and down on the sidewalk all day is factored into the timesheet. These are not community organizers or union officials or college professors. If they decide to spend a weekend agitating outside the Capitol, that’s time away from the hard slog of growing small businesses all across this land. That’s also why they’re not into the routine property damage that street protest traditionally requires, both for credibility and TV coverage. Bandana-clad anti-globalists denouncing a G8 or IMF summit are wont to accomplish this by lobbing bricks through store windows. In such scenarios, any conservatives around are usually the ones ducking below the counter. As telling as any of the signs or speeches at the 9/12 D.C. protest were the photographs from late in the day, when the crowd thinned and the capital’s grass and sidewalks reemerged from under their feet: There was nary a candy-bar wrapper in sight. This must be the tidiest mass movement ever unleashed on the land—just compare it with the post-inaugural mounds of trash last January. If they ever do riot down Main Street, the chances seem pretty good that before dispersing they’ll reglaze your windows and touch up your shingle.

For their pains and their sheer normality, the “tea party” movement have been doubly traduced. To the ruling Democrat-media complex, the protesters were simultaneously “astroturf” and bumbling amateurs with too diffuse a range of homemade placards: They were fake but the signs were too real. Later, they were deemed “confused” and “angry” and “Nazis” and “racists” and “evilmongers” and “right-wing domestic terrorists” and Brooks Brothers models. Among the institutions of the Right, meanwhile, reaction ranged from hostility to condescension to a coy distance. The last was driven by a gloomy if not unreasonable presumption that these days any conservative enthusiasm is by definition bound to be short-lived. Among the

DARREN GYGI

more hostile observers on our side, the general line was that the protests confirmed the view of those who argue that conservatism is intellectually bankrupt and entirely dependent on a base of baying know-nothings who listen to way too much talk radio.

I disagree. The signs display an accurate understanding of the principles of the Obama era: LET THE FAILURES FAIL! Teenager: STOP SPENDING MY FUTURE! Senior: GRANDMA'S NOT SHOVEL-READY. Just as important, the demonstrators understand the essentials more clearly than many of the think-tankers and Sunday pundits and other insiders hung up on the fine print. "Death panel" took off because it clarified the health-care stakes in ways none of the other oppositional lingo quite managed. My NR colleagues were sniffy about it, and, like many health-policy wonks, seemed to think it an extreme characterization of whatever this or that provision in paragraph 7(d)(iii) on page 912 of the bill actually entailed. All irrelevant. Yes, once the governmentalization of health care is fully accomplished, there will be literal "death panels," like Britain's NICE (the National Institute of Clinical Excellence), an acronym one would regard as Orwellian had not C. S. Lewis actually got to it first—NICE being the National Institute of Coordinated Experiments in his novel *That Hideous Strength*. But that's missing the point: The entire reform package, not page 1,432, is the death panel, in the sense that it will ultimately put your body under the jurisdiction of government bureaucrats. Likewise, focusing on whether or not there is an explicit "public option" is missing the forest for some peripheral sapling: The whole Obamacare megillah itself is the "public option," since that's where it leads, irreversibly. It's more disturbing to me that conservative "thinkers" don't seem to grasp this, and deride those who do as boorish and unlettered. You won't win this argument by getting caught in the weeds. The intellectual heft at the tea-party protests consists of the animating principles of the American idea: the Founding Fathers writ large in comic-book lettering—TRADE FREEDOM FOR SECURITY AND YOU WILL HAVE NEITHER! That so many conservative sophisticates regard this as either hopelessly provincial or beyond the bounds of political viability testifies to the real intellectual bankruptcy out there.

WHY do the protesters get it? The Obama project is not difficult to understand. It's been accomplished in many other parts of the Western world: If you expand the dependent class and the government class, you can build a permanent electoral coalition and stick the beleaguered band in the middle with the tab. In early 2008, in response to one of my *fin de civilisation* jeremiads, a reader wrote to tell me to lighten up: "You need to relax. We're rich enough to afford to be stupid." Just over a year later, we're no longer as rich, but we're being considerably more stupid. Nevertheless, a lot of people take my correspondent's view: If you have old money well-managed, you can afford to be stupid—or afford the government's stupidity on your behalf. If you get $20 million to act in a movie, you can afford the government's stupidity. If you're an ex-senator parlaying his Rolodex into "consultancies" with tax-free chauffeur-driven limos, you can afford it. If you're a tenured professor or a union worker in a nominally private industry whose labor contracts were chiseled in stone two generations ago, you can afford it. If you're a bestselling novelist like Christopher Buckley or the house conservative of a liberal newspaper like David Brooks, you can afford it. You'll survive, more or less.

But a lot of the protesters don't have the same comfortably padded margin for error on the unprecedented Obama scale. What the Democrats are doing means that millions of the hardest-working Americans will have to put their business expansion and their roomier house and their vacation camp and music lessons for the kid on hold. And "on hold" presupposes that one day the retrenchment, the hunkering down, will end. But why would it? In many Continental countries, a smaller home and a smaller car are the norm. It's not just about the money—DON'T TAX ME, BRO!—but about the web of regulations that ensnare you at every turn: As Mason Weaver told the 9/12 rally, "Ropes and chains, not hope and change." Cute line. It went entirely unreported in the mainstream media, presumably because he's another one of those "angry white males," although he happens to be black. ("I thought you'd like to hear a black man speak without a TelePrompTer," he told the crowd. Another cute line.)

What does he mean, "ropes and chains"? The other day I was talking to a stonemason and a roofer who were asked to do a job for a certain large institution in New Hampshire. They were obliged to attend "ladder school," even though both have been working at the tops of high ladders for over 40 years. The gentleman from OSHA (the Occupational Safety and Health Administration) cautioned them against mocking his transparent waste of their time: Under the new administration, he explained, his bureaucracy would be adopting a more enforcement-oriented approach to private business. So they rolled their eyes merely metaphorically and consented to give up a working day because the federal government has taken to itself the right to credentialize ladder-climbing from Maine to Hawaii.

At a certain point, why bother? As fast as you climb the ladder, you'll be taxed and regulated down the chute back to the bottom rung. You'll be frantically pedaling the treadmill seven days a week so that the statist succubus squatting on your head can sluice the fruits of your labors to Barney Frank and the new "green jobs" czar and whichever less hooker-friendly "community organizer" racket picks up the slack from ACORN, as well as to untold millions of bureaucrats micro-regulating you till your pips squeak while they enjoy vacations and benefits you'll never get. Who needs it? If you have to work, work for the government: You can't be fired and you can retire in your early 50s. Running your own business is for chumps.

The tea-party movement understand that we're approaching a *point de bascule*—that means "tipping point," but I put it in French in hopes that one or two of the many strains of conservative "reformer" might regard it as a nuanced concept of European provenance and take it up. For the less nuanced, it's already plain: This is a transformational presidency for which they and their children will pay the price. What do they want? In a word—*the* word at this year's protests—liberty. Which isn't quite the same as democracy: On present trends, in a couple of years 51 percent of Americans will pay no federal income tax but will be able to vote themselves ever more lollipops from the 49 percent who do. It is interesting that Anderson Cooper's sneering nickname for the protesters—"teabaggers"—caught on so effortlessly not just with the hard Left but with the mainstream media. “Teabagging,” I gather, is the name for an abstruse sexual practice involving the male, ah, scrotum. (Come to think of it, I don’t believe there is a female scrotum, but, if there is, no need to write.) That’s what “liberty” means to an otherwise illiberal Left these days: sexual liberty. You can shag anything that moves in whatever form takes your fancy, and we’re all cool with it. The government has no place in the bedrooms of the nation, as Pierre Trudeau once said. If you want to be a teabagger in the Anderson Cooper sense, go for it. But, if you’re a teabagger in the 9/12-protest sense, if you stand up for non-sexual liberty—for economic liberty, for a restrained and fiscally prudent government, for the freedom to live your life and fulfill your potential free from the micro-despotism of the nanny state—the mainstream media think you’re kooks and misfits, and so do too many conservatives.

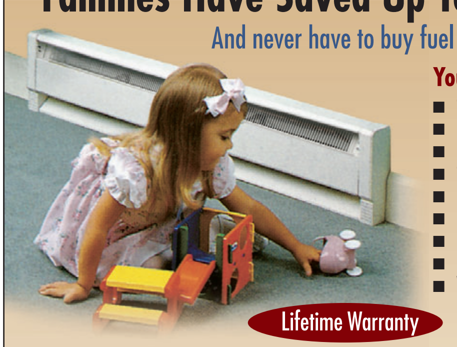
I’m a foreigner. In the wake of the economic meltdown last fall, there were protests from Iceland to Bulgaria, with mobs all demanding the same thing of their rulers: Why didn’t you, the government, do more for me? This is the only country in the developed world where hundreds of thousands of people take to the streets to tell the state: I could do just fine if only you’d get the hell out of my life—or at least confine yourself to constitutional responsibilities. I find that heartening and hopeful. After all, if you’re an immigrant, there’s nothing new about Obama: Been there, done that. He’s the land where you grew up, with its union bullies and confiscatory marginal tax rates and government automobiles and general air of sclerosis, all reemerging *Brigadoon*-like from the mists entirely unspoilt by progress. It’s like landing at Ellis Island in 1893, coming down the gangplank, and finding everyone excited about this pilot program they’ve introduced called “serfdom.”

Does this hitherto unprecedented street conservatism have legs? Maybe. But it certainly has a crude logic. In poll after poll, more people identify as “conservative” than as “Republican.” Conversely, more people identify as “Democrat” than as “liberal.” So, if you’re a liberal, the Democratic party is a way of bigging up your voice. And, given that your solution to almost any issue is more government, the Democratic party is the institutional conduit to your preferred destination.

For conservatives, it’s all a bit more complicated. There’s been a lot of talk in recent months about conservatives’ learning the Alinsky Rules and sticking it to the Left with them. Good luck. May even work one day. But that’s not what’s going on right now. The tea parties are a pack, not a herd. They’re not led by “community organizers” but by people from communities that don’t want to be organized—not in the way the Left wants them to be.

But when “liberalism” means prostration before a profligate, inept, but omnipresent state, there are worse labels for an opposition to latch on to than “liberty.” “Small government” can often sound like a shriveled and stunted concept, but reframe it from the opposite end as “big liberty” and it’s as inspirational as anything the other side’s got. Mark Levin’s *Liberty and Tyranny* has now sold a million copies. Reclaiming this word is a huge service to the Right. He and his readers seem to understand what’s at stake.

By contrast, it’s not clear that the GOP does. Laura Ingraham made a good point on Fox News the other night—that conservatives are doing better than they’ve done in ages at a time when the Republican party is leaderless. I like it that way. If Obama is on the defensive over health care, it’s because of the “mob,” not because of John McCain or Orrin Hatch or Lindsey Graham, who no doubt are panting to “reach across the aisle” on this and much else. The GOP congressman who turns up at a tea party and expects a cheer for negotiating this week’s trillion-dollar boondoggle down to a mere $850 billion will find few takers. There is no detectable enthusiasm for the Republican party per se, although individual Republicans (Sarah Palin, Joe Wilson) will be spoken of approvingly to the degree they diverge from the factory-produced cookie-cutter craven RINO-squish reach-across model. Conservatives support the Republican party *faute de mieux*, but, after recent years, they’re in the mood for something considerably *mieux*. And, after 2008, they’re not wrong. If the GOP is wise, it will hear that message. **NR**



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# THE SWAMPS OF Jersey

## *How the Garden State fell into decline*

### BY DUNCAN CURRIE

*Paramus, N.J.*

ADDRESSING a crowded room at the local Elks Lodge, not far from one of North Jersey's ubiquitous shopping malls, Republican gubernatorial candidate Chris Christie paints a bleak portrait of his home state. New Jersey is "careening towards bankruptcy," says the former U.S. attorney. "People and jobs" are fleeing "in droves," mainly because of stifling levels of taxation. The Garden State is "no longer competitive," and "businesses are voting with their feet."

Is Christie overstating things? After all, blessed with felicitous geography and a highly educated work force, New Jersey remains the most densely populated state in the Union, and also one of the wealthiest. Yet in a 2007 study, Rutgers University scholars James W. Hughes, Joseph J. Seneca, and Will Irving concluded that "population outflow is real, is approaching worrisome dimensions, and is exerting a small but increasingly negative impact on the New Jersey economy." In 2006, 72,547 more people left the state than moved to it from elsewhere in the U.S., up from 23,759 in 2002. By this measure, from 1998 to 2007, only three states (Illinois, California, and New York) lost more residents.

Hughes, Seneca, and Irving estimated that, between 2000 and 2005, net domestic out-migration cost the state a total of $7.9 billion in adjusted gross income. "Although this loss is relatively small—3.3 percent of total adjusted gross income in 2005—it is a *permanent loss* that will persist (or increase) each year unless net out-migration is reduced or eliminated," they wrote.

While international migration, particularly Hispanic migration, has continued to fuel population growth—Latinos were 16.3 percent of New Jersey residents in 2008, compared with 9.6 percent in 1990—that growth has declined sharply. Between 1990 and 2000, New Jersey's population expanded by 8.9 percent; between 2000 and 2008, it increased by only 3.2 percent.

One need not be a demography expert to understand why New Jersey is hemorrhaging human capital. According to state rankings compiled by the Tax Foundation, it now has the highest state and local tax burden, the highest per capita property taxes, and the worst tax climate for business. The Pacific Research Institute's latest U.S. Economic Freedom Index says that only two states (Rhode Island and New York) offer less economic freedom. The 2009 State Economic Outlook Index, co-authored by legendary economist Arthur Laffer and published by the American Legislative Exchange Council, ranks New Jersey 46th. Democratic governor Jon Corzine recently suspended property-tax rebates for most New Jerseyans and raised the state's upper individual income-tax rates to help close a yawning budget gap. New Jersey's uppermost rate (10.75 percent) is now higher than California's (10.55 percent).

Christie has railed against the tax hikes and has proposed slashing income taxes and boosting property-tax relief. Yet as Newark *Star-Ledger* columnist Paul Mulshine notes, these proposals conflict with the state constitution, which requires that all personal-income-tax revenue be allocated to the Property Tax Relief Fund. A reduction in personal income taxes means a shortfall in money for property-tax relief.

Corzine's decision to raise taxes in an election year indicates the rickety condition of New Jersey's fiscal house. "Public spending in New Jersey doubled in real terms, as a percentage of GDP, between 1971 and 2008," write Mercatus Center scholars Eileen Norcross and Frederic Sautet. Government spending represented over 7 percent of GDP in 2008, compared with 5.4 percent in 1997. Corzine has touted the spending cuts in his fiscal year 2010 budget, which took effect on July 1, but New Jersey's nonpartisan Office of Legislative Services projects a structural budget deficit of around $8 billion for fiscal year 2011. As of June 2008, the state had an outstanding debt of roughly $31.8 billion (one of the highest burdens in the country). It also faces the daunting long-term challenge of shoring up public liabilities: As Norcross and Sautet point out, "New Jersey's pension fund faces a potential $56 billion unfunded liability (up from $18 billion in 2006), which rises to $130 billion when post-retirement medical and prescription drug benefits and stock market losses are factored in." In early August, Moody's Investors Service bumped New Jersey's credit outlook down to "negative."

Crippling taxes, runaway spending, massive debt, significant out-migration: Tony Soprano's home state is in bad shape. Speaking of HBO's erstwhile leading man, one cannot separate New Jersey's economic and fiscal woes from its endemic corruption. This past July, federal investigators arrested several prominent public officials, including the mayors of Hoboken and Secaucus, after a lengthy probe of corruption and money laundering. The lurid details of the scams reflect a political culture far swampier than the Meadowlands. During Tom Kean's governorship in the 1980s, the slogan "New Jersey and you: perfect together" was coined to attract tourists. Today, that phrase could just as easily describe the state's appeal to crooked politicos and real-life criminal organizations.

TO understand how corruption, taxes, and public spending in New Jersey spiraled out of control, we must appreciate at least four factors: the diffuse nature of local politics, the influence of unelected state and local "authorities," the bitter struggle over education funding, and the severe decay of New Jersey's big cities.

At the local level, political power is extremely fragmented. In *The Soprano State*, their alternately funny and frightening dissection of "New Jersey's culture of corruption," veteran journalists Bob Ingle and Sandy McClure note that the state has 566 municipalities and more than 19,000 elected officeholders serving in local government. Until recently, New Jersey allowed politicians to hold multiple paid offices. This is why former Newark mayor Sharpe James, who is now serving jail time for fraud, was able to be a mayor and a state senator simultaneously. When New Jersey finally banned the practice in 2007, recognizing that it encouraged and exacerbated corruption, it allowed current dual officeholders to maintain their existing arrangements.

Municipal and county governments in New Jersey "have more power than they do in other states," says Brigid Harrison, a political scientist at Montclair State University, and these governments often operate like "partisan fiefdoms, or even personal fiefdoms." All told, write Ingle and McClure, New Jersey has nearly 2,000 separate taxing entities—and that's "when counting the state, with its taxing arms, as only one." It has more than 600 individual school districts, "some of which don't have students but collect millions of dollars in local taxes and state aid and *do* have *paid* administrations."

New Jersey's constitution stipulates that the issuance of bonded debt by the governor and the legislature must be approved by the voters. But as Ingle and McClure explain, crafty politicians were long able to sidestep this rule through a reliance on more than 300 state and local authorities run by unelected bureaucrats. (Prominent state authorities include the Economic Development Authority, the Transportation Trust Fund Authority, the Casino Reinvestment Development Authority, the Schools Development Authority, and the Sports and Exposition Authority.) These independent governmental bodies long had the power to issue bonds without consulting taxpayers. Not surprisingly, they became cauldrons of patronage, waste, and corruption, and they saddled New Jersey with a mountain of debt. (As of June 2008, 86 percent of all outstanding state debt had accumulated this way.) Last November, however, New Jerseyans endorsed a constitutional amendment requiring that the issuance of bonds by independent state authorities receive voter approval.

Sports arenas and waterfront office buildings do nothing to fix New Jersey's violent and woefully mismanaged public schools.

Over the past decade, billions' worth of independent-authority bonds have been issued to improve school facilities. That brings us to the New Jersey supreme court, which has earned its reputation as one of the most liberal and activist in the country. During the 1970s, a string of decisions in the case of *Robinson* v. *Cahill* forced the state legislature to revamp its school-funding formula and establish an income tax in order to achieve a more equitable distribution of education resources among communities. In the 1980s, a successor to the *Robinson* case, *Abbott* v. *Burke*, triggered a new cycle of legal battles. In 1990, the supreme court ruled that "students in the poorer urban districts" were entitled to "at least the same amount of money as their competitors."

Since then, the court has handed down a series of rulings aimed at shaping New Jersey's school-funding framework. The debates have typically pitted the suburbs against the cities, with predictable racial overtones. What the supreme court has advocated, and lawmakers have devised, is essentially a large-scale wealth-redistribution program. Many suburbanites resent the fact that their tax dollars are used to subsidize dysfunctional schools in cities such as Newark, Paterson, Trenton, Camden, and East Orange. In 2007, the *New York Times* reported that the so-called *Abbott* districts—the chronically underperforming urban school systems that have been showered with state funds—"are now among the highest-spending school districts in the country." As Harrison puts it, "an extraordinary amount" of New Jersey tax revenue goes to education—not only because of the *Robinson* and *Abbott* rulings, but also because of the powerful New Jersey Education Association (NJEA).

The school-funding wars highlight a broader city–suburb divide. New Jersey is still among the richest U.S. states: In 2007, only Maryland had a higher median household income; New Jersey's ($67,035) was 32 percent greater than the national average ($50,740). Three New Jersey counties (Somerset, Morris, and Hunterdon) ranked among America's wealthiest. On the other hand, the cities of Newark, Passaic, and Camden were among America's poorest. Only four states (New Hampshire, Connecticut, Hawaii, and Maryland) had a lower poverty rate than New Jersey. But the poverty rates in Newark and Camden were 23.9 percent and 38.2 percent, respectively. (Remember: This was before the financial crisis and recession.) According to *Forbes*, New Jersey now boasts two of America's ten most expensive ZIP codes (in Brookside and Alpine, the latter of which tops the list). But cities such as Newark and Camden are virtually synonymous with urban blight.

As journalist Brad R. Tuttle writes in *How Newark Became Newark*, the state's largest city saw its population decline by almost one-third (more than 125,000 people) in the three decades after 1960. Newark never recovered from its bloody 1967 riots, which destroyed the Central Ward and accelerated white flight. During the 1970s, when the city "hit rock bottom," its violent-crime rates soared by 91 percent. *Newsweek* described it as "a classic example of urban disaster." A 1975 *Harper's* article called it "The Worst American City."

Today, Newark has a young, reformist mayor (Cory Booker), a glitzy new hockey arena (home to the New Jersey Devils), and an attractive performing-arts center. Jersey City, meanwhile, now boasts the state's tallest skyscraper, the 42-story Goldman Sachs Tower, which has become the centerpiece of a revitalizing waterfront. But sports arenas and waterfront office buildings do nothing to fix violent and woefully mismanaged public schools. Ingrid Reed, director of the New Jersey Project at Rutgers University's Eagleton Institute of Politics, says the *Abbott* districts are not sufficiently accountable for how they spend their aid money. Of course, strengthening oversight mechanisms means taking on the education lobby, which wields enormous political clout.

The sad reality is that, as long as New Jersey's redistributionist school-funding formula remains in place and its major cities remain economic drains, it will be very difficult to reduce substantially the state's tax burden. And as long as the tax climate remains fiercely hostile to business, New Jersey will find it hard to generate significant private-sector employment growth. In March 2008, Governor Corzine met with several of New Jersey's top real-estate executives. According to the *Star-Ledger*, one of those executives, Zygmunt "Zygi" Wilf, principal owner of the Minnesota Vikings, told Corzine that of the 38 states in which he develops real estate, New Jersey "is the worst." The *Star-Ledger* reported that Wilf's comments "reflect what many real estate executives are saying privately: New Jersey is losing out on scores of real estate projects, and thousands of jobs that go with them, to neighboring states aggressively courting new business."

As for Corzine's reelection hopes, the mega-millionaire (who previously chaired Goldman Sachs and served in the U.S. Senate from 2001 to 2006) has been trailing in the polls by a wide margin. Besides being a heavily Democratic state, New Jersey is also a late decider, so the race will surely tighten. One wild card is the independent candidacy of former state environmental commissioner Chris Daggett, whom the Sierra Club has endorsed. A Monmouth University/Gannett New Jersey poll released on September 13 showed Christie leading Corzine by 8 percentage points among likely voters, with Daggett garnering only 5 percent support. A month earlier, the same poll had found Christie up by 14 points. When sampling *registered* voters, however, the September survey revealed a dead heat, with Corzine at 41 percent and Christie at 40 percent. In August, Christie had led among registered voters by 4 points.

Patrick Murray, director of the Monmouth University Polling Institute, acknowledged that pools of likely voters tend to be more Republican than pools of registered voters. But he added that "we rarely see more than a few points' difference. . . . The fact that such a notable discrepancy has shown up in two consecutive polls indicates that there is a decided lack of enthusiasm for the incumbent among the Garden State electorate. While we acknowledge that most of these 'unlikely' voters will never cast a ballot in this race, if the Corzine team can bump up turnout on Election Day by just a few percentage points, their chances of victory greatly increase."

In the September poll, Corzine's job approval among registered voters stood at only 37 percent. It has been dragged down partly by the state's unemployment rate, which reached 9.6 percent in July. Still, New Jersey has become a Democratic stronghold—indeed, it is effectively a one-party state, which has worsened the corruption problem. No Republican has prevailed in a statewide race since Christine Todd Whitman won reelection as governor in 1997. Barack Obama carried New Jersey by 15 points in 2008. The last two GOP governors, Whitman (1994–2001) and Kean (1982–1990), were both pro-choice moderates. Christie is a pro-lifer who tacked rightward during the Republican primary; he is short on charisma; and Corzine's sustained attacks may drive up his unfavorable ratings. Mulshine, the conservative *Star-Ledger* columnist and longtime Garden State political observer, believes Christie "is running the worst campaign in New Jersey history."

A Christie triumph would be devastating for President Obama. A Corzine victory would be devastating for the state GOP. It's not clear that either would do much to turn New Jersey around. **NR**

# SHERPA Conservatism

*Sam Tanenhaus thinks the Right is dying because he wants it to play dead*

**BY JONAH GOLDBERG**

If you work the google-machine on the Internet with a modicum of diligence, you'll uncover a few websites dedicated to an intriguing remedy for all that ails the GOP and the conservative movement: Zombie Reagan. The idea is really quite simple—reanimate the Gipper through supernatural or some other means and all of our problems will be solved. Sure, we'll have to amend the Constitution to get rid of term limits, but on the bright side Zombie Reagan could be president forever.

There's a metaphor—or two—to be made of this, I'm sure. Some might think the zombie is an amusing way of highlighting the Right's obsession with recapturing the Reagan magic. Others might offer biting commentary on the paucity of non-brain-eating candidates on the right. But I think there's a better moral: Conservatives have been declared dead for so long—brain-dead, intellectually dead, philosophically dead; living but in love with "dead revolutions"; over, kaput, moribund, and so on—that one has to take notice of the fact that, for a bunch of dead guys (and gals), we're pretty energetic. And what do you call dead things that are still, to borrow a phrase from Elvis (himself rumored still to be alive on an island somewhere), taking care of business, in a flash?

Once again, the stench of death stings the nostrils of the liberal establishment. Sam Tanenhaus—the veritable incarnation of the liberal establishment, editor of both the book-review and week-in-review sections of the *New York Times*—has doffed his coroner's cap to issue a lively autopsy of the conservative movement, in the form of a book titled simply *The Death of Conservatism*. Every Thanksgiving after the turkey had been cooked, carved, and eaten, my late father would turn to me and, gesturing at the carcass, ask: "Jonah, do you think if we collected the greatest scientists in the world they could save this bird's life?" Tanenhaus's prognosis is no less bleak. "Today's conservatives," writes the hugely successful biographer of Whittaker Chambers and, soon, William F. Buckley Jr., "resemble the exhumed figures of Pompeii, trapped in postures of frozen flight, clenched in the rigor mortis of a defunct ideology." That's us, fried to a crisp and fossilized.

Much has been written about Tanenhaus's book already. Indeed, it's hard to think of a book that unites more factions of conservatism than Tanenhaus's tome, about which the apparently universal consensus is that it is completely, totally, and in every way imaginable unpersuasive. Not bad or uninteresting, mind you; just unpersuasive, like a wild-eyed witch-doctor ooga-boogaing about why he should be allowed to remove your spleen. It's all heart-felt, passionate, even artistic, but you'd want a second opinion. In order to make his case, Tanenhaus offers a series of incredible (as in not credible) assertions about the political landscape that leave the reader asking, "Were we watching the same movie?" For instance, in Tanenhaus's telling, George W. Bush was a doctrinaire, dogmatic, true-blue, radical right-winger who bullheadedly refused to work with the political opposition on centrist policies. Not only that, during Bush's tenure all of the discredited ideas of the "revanchist" wing of the Republican party—those would be the ideas advanced in this magazine, in case you were unclear—were fully deployed, and failed. "During the two terms of George W. Bush, conservative ideas were not merely tested but also pursued with dogmatic fixity."

That Bush was a proud promoter of "compassionate conservatism," explicitly rejecting Buckleyite conservatism; that he massively expanded entitlements and worked with Teddy Kennedy on education; that he signed campaign-finance reform, supported amnesty for illegal immigrants, and was utterly mute about racial quotas: None of this counts in Tanenhaus's estimation. Ditto that Bush signed the first stimulus bill and backed the first bailouts of this economic crisis. That this magazine sharply disagreed with Bush on these issues and others in no way immunizes us from the charge that we spent eight years serving as a revanchist PR machine for the White House. Oh, and in case you didn't know: William F. Buckley was a Disraelian pragmatist willing to work with liberals and sagely resigned to the modern welfare state.

Don't be alarmed by that *Twilight Zone* vibe you're getting. It's perfectly normal. In fact, it's intended. At an event hosted by the American Enterprise Institute, I told Tanenhaus that his description of things had a decidedly "otherworldly" feel to it. He responded by pleading "Guilty as charged" and saying that otherworldly writing was a great tradition among intellectuals, or some such, and that he did not shirk from the accusation one bit. It almost sounds like he's saying his narrative is fake-but-accurate.

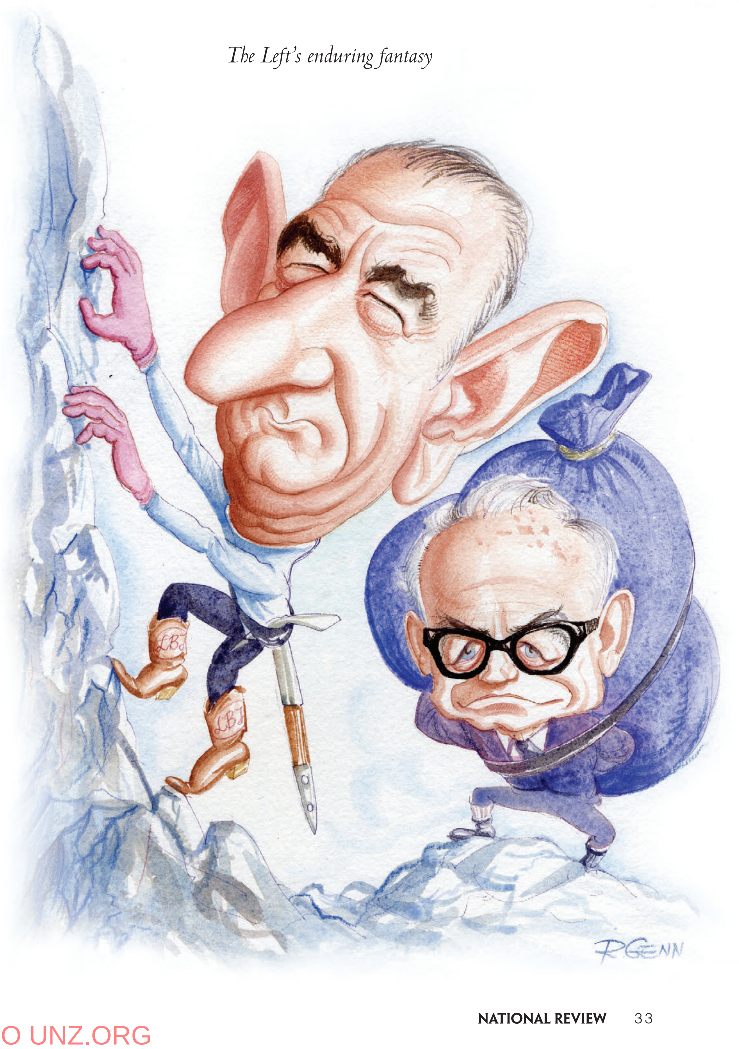
This is not, formally speaking, a review of Tanenhaus's autopsy. He has been sufficiently raked over the coals by others (see especially James Piereson in *The New Criterion*, Peter Berkowitz on National Review Online, and Garry Wills in *The New York Review of Books*). But the gist of his argument is easy enough to lay out. According to Tanenhaus, real conservatives are "Beaconsfieldian" (an adjective derived from the fact that Benjamin Disraeli, famed conservative pragmatist, was the earl of Beaconsfield) and Burkean. Such conservatives value stability and acceptance of the existing order. They prefer gradual progress achieved via supple accommodation with social change. But today's conservatives, says Tanenhaus, are angry, mean, closed-minded, resentful, extremist, radical, and at times deranged "Jacobins." Tanenhaus's catch-all for such adjectives is the word "revanchist." "On the one side," Tanenhaus observes, more in sadness than in anger, "are those who have upheld the Burkean ideal of replenishing civil society by adjusting to changing conditions. On the other are those committed to a revanchist counterrevolution, whether the restoration of America's pre–New Deal ancient regime, a return to Cold War–style Manichaeanism, or the revival of pre-modern family values."

It is a bizarre effort. Richard Nixon is a Beaconsfieldian hero, but so too, says Tanenhaus, was William F. Buckley after Whittaker Chambers got to work on him. Recall, though, that Buckley loathed Nixon's domestic policies and that Nixon reportedly said in 1965 that "Buckleyites" were a threat to the Republican party even more menacing than the Birchers. As Garry Wills observes, Buckley hardly became Gergenesque after Chambers allegedly ensorcelled him. And just for the record, conservatism (as opposed to the GOP) has never had greater or more plentiful resources than it now has in its magazines, think tanks, electronic-media outlets, and activist organizations.

Tanenhaus says that the high-water mark of good conservatism was roughly from 1965 to 1975. Not coincidentally, this was also the low-water mark of its political power, when conservatives critiqued the Great Society but lacked the power to do more than heckle. Good conservatives (or Burkean or Beaconsfieldian ones; for Tanenhaus the terms are interchangeable) should know their place and gladly serve as Sherpas to the great mountaineers of liberalism, pointing out occasional missteps, perhaps suggesting a slight course correction from time to time, but never losing sight of the need for upward "progress" and happily carrying the extra baggage for progressives in their zealous but heroic quest for the summit. And any conservative who doesn't accept his role as Tenzing Norgay to liberalism's Edmund Hillary will have nasty adjectives like "revanchist" hurled at him by Tanenhaus.

It has been ever thus. That is the amazing thing about the book and its reception among Tanenhaus's liberal peers. Sold

*The Left's enduring fantasy*



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as a constructive criticism of the Right, the book is blurbed by, in order, Chris Matthews, Jeffrey Toobin, Jane Mayer, and Leon Wieseltier, famous one and all for their love of and respect for the right kind of conservatism. It's the same old wishful thinking, dressed up as clear-eyed analysis.

Within months of NATIONAL REVIEW's founding, the verdict was already in. *Commentary* (then liberal), *Harper's*, and *The Progressive* each pronounced judgment on NATIONAL REVIEW and the "conservatism" it represented. And that judgment? This newfangled mush (Dwight Macdonald's piece was titled "Scrambled Eggheads on the Right") was extremist, deranged, and of course inauthentic. We would love a real conservatism to wrestle with, liberals lamented, but this ain't it. NATIONAL REVIEW's yahoos suffered from psychological defects and had thrown in with this faux-conservatism to "make up for some kind of frustration" in their private lives, in the words of John Fischer, the editor of *Harper's*; Buckley, Meyer, Burnham, et al. were "the very opposite of conservatives." Macdonald lamented that the "pseudo-conservative" NR paled in comparison with the work of Albert Jay Nock's *Freeman.* (Nock was a brilliant, cape-wearing anti-statist who proudly boasted of his distaste for trying to persuade anybody of anything; ever since, he has been much beloved of liberals for this very reason, as I discuss in an essay about him in the May 4 issue of NR.) As Buckley wrote of the attacks in 1956, "All three journals seem to resent the mere existence of NATIONAL REVIEW."

Others didn't much care whether Buckleyite conservatism was authentic, because it was—wait for it!—dying. "The New American Right," Murray Kempton assured everyone, "is most conspicuous these days for its profound state of wither." This of course was just a few years after Lionel Trilling had proclaimed conservatism not so much dead as unborn, insisting there were no conservative ideas in circulation anywhere in America.

As the conservative movement grew, liberals kept complaining that the Right didn't have the good sense to know it was dead or futile or fake. True conservatism was the "thankless persuasion," in Clinton Lawrence Rossiter's phrase. The good conservatives were like Tanenhaus's Sherpas, gladly shouldering their burden of the New Deal. The bad conservatives were jabbering radicals trying to turn back the clock.

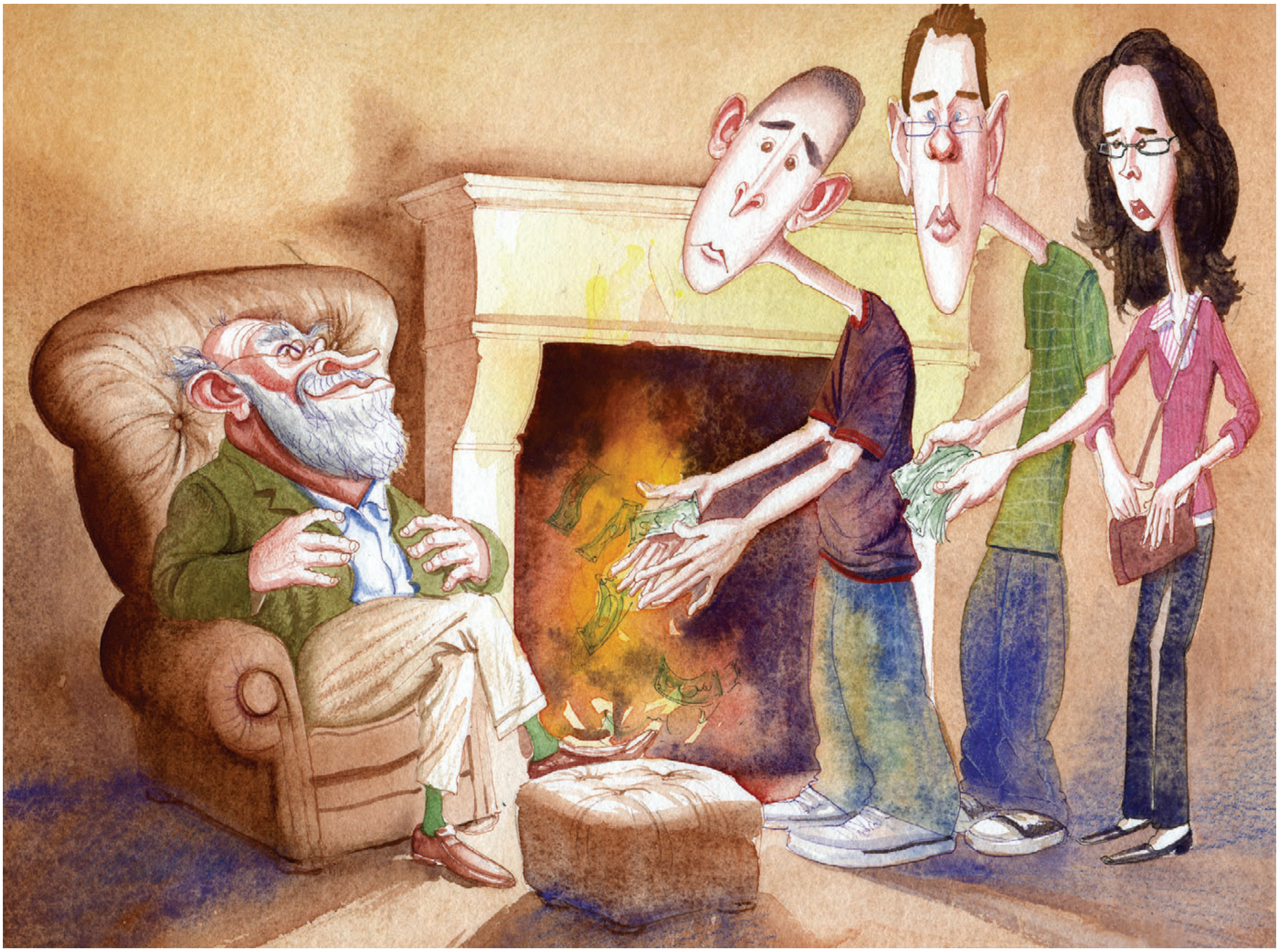
In 1964, one of those radicals won the nomination of the Republican party, an amazing feat for a movement that was idealess and dying just a decade earlier. Goldwater lost the election, in part because the liberal establishment insisted he was a crypto-Nazi psychopath. And right on cue, liberals once again insisted that conservatism was dead. James Reston wrote in the *New York Times* that Barry Goldwater "not only lost the presidential election . . . but [lost] the conservative cause as well." Walter Lippmann insisted that Goldwater's loss had debunked the myth of conservatism once and for all. NATIONAL REVIEW's Frank Meyer saw things differently. Liberals may have dubbed the movement "extremist, radical, nihilist, anarchic," but nearly 40 percent of voters opted for the first authentic conservative since Calvin Coolidge. As historian Lee Edwards puts it, "Meyer's implication was clear: You can build a powerful political movement on a foundation of 27 million true believers."

In 1966, under Goldwater's leadership, notes Edwards, Republicans saw major gains in the House (47 seats) and healthy ones in the Senate (three seats). Two years later, Goldwater handily won reelection to the Senate. That same year, Lyndon Johnson declined even to face the voters and Richard Nixon won the presidency (with the reluctant backing of NR). After Watergate, liberals once again tried to say that Nixon's failure had proved conservatism's failure, as if the two were one. By the late 1970s, *The Nation* started running sorrowful pieces about how mean the "New Right" was being to real (i.e., Beaconsfieldian) conservatives like John Anderson and Edward Brooke. Jimmy Carter ran for president assuring voters he was no left-wing Democrat and, having failed to make good on that promise, greased the skids for Ronald Reagan. And once again the same liberal apoplexy about how "radical" Reaganites weren't "real conservatives" filled the op-ed pages and the airwaves.

And the beat went on. "When conservatives repeatedly declare that George [H. W.] Bush's failures as president are the result of his having spurned their ideas and movement, they are harboring illusions born of their fleeting success under Ronald Reagan," John Judis assured readers of *The New Republic* in 1992. "In fact, the conservative movement that carried Reagan to victory barely exists any longer . . . and the ideas associated with it have become obsolete, discredited, or heavily in dispute among conservatives themselves." That's not all balderdash, but it's worth noting, at a minimum, that the Democratic president elected in 1992 did a great deal to solidify the Reagan Revolution (a point Tanenhaus himself concedes). And then he was followed by another Bush.

Many reviewers suggest that Tanenhaus simply misinterpreted Obama's victory as the death knell of conservatism. There's some merit to the criticism, but it misses the larger point: that this is what liberals *always* do. The march of the conservative movement has forever enjoyed backup percussion from liberals banging their spoons on their highchairs as they insist that what they see can't be real, makes no sense, and cannot last long. The conservative movement is just a long line of dead men walking, Zombie Reagans for as far as the eye can see. Indeed, the greatest source of conservative success might not be the strength of our ideas or the dedication of our adherents. It might be simply that a conservative movement cannot long fail in a center-right country when the center-left is determined not only to underestimate but fundamentally to misapprehend what it is about. When liberals chalk up tea-party protests and the like as racism, it is a slur, but it's also a wonderful sign that they won't even consider thinking seriously about their opposition.

Even more striking is the rapid half-life of Tanenhaus's prognostication. In 2008, as in 1964, an irascible senator from Arizona lost to a candidate promising that all things are possible if the noocracy of liberalism is given free rein. When Chris Matthews was reading Tanenhaus's manuscript, Obama was FDR and Lincoln rolled into one. Visions of new New Deals and even Greater Societies danced in liberals' heads. Now, less than a year into Obama's presidency, "Yes, we can" has met with millions saying "Oh no you won't"—and in reply the Left offers its usual insults of "fascist" and "racist." Conservatism and the Republican party are hardly victorious, but they're also hardly dead—and they never were. **NR**



ROMAN GENN

EDUCATION 2009

# Costly Lessons

### *How traditional universities rip students off*

BY RICHARD VEDDER

In a typical year over the past generation, the cost of attending college has risen at about double the rate of inflation. Family incomes have not kept pace. And despite huge increases in federal financial assistance, the proportion of lower-income Americans in the college population has actually declined over the past 30 years.

The other sector that has seen comparable inflation over the past generation is health care, and this is no accident. In both sectors, government intervention largely neuters the ability of markets to allocate resources efficiently, by establishing third parties (neither consumers nor producers) that pay many of the bills. When that happens, the consumer is not very sensitive to prices, and consumes wastefully. For these and other reasons, a good argument can made that we are *over*invested, or at least mal-invested, in higher education.

Compounding the problem, over 90 percent of American higher education is nonprofit. Nonprofit institutions lack incentives to be efficient. The officers of for-profit entities work hard to do two things: increase revenues and reduce costs. But there is no well-defined bottom line in nonprofit higher education. Is Yale having a good year in 2009? Who knows?

For-profit corporations compete to win new customers and despair when they lose market share. But in the *U.S. News & World Report* rankings, higher scores come from turning customers away—in the form of a lower acceptance rate. Supply therefore tends to be rigid and unresponsive to demand at many of the nation's best-known colleges and universities. Moreover, with third

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parties paying part or all of the bills (via government and private "scholarships," subsidized loans, and subsidies of institutions), schools can often raise fees without dire financial or academic consequences. In particular, they sock it to more affluent customers—whose financial condition they know in exquisite detail, thanks to the Free Application for Federal Student Aid, which requires a level of disclosure unique in American consumer life.

The supply of educational institutions is itself rigid. Accreditation organizations have restricted the ability of innovative education entrepreneurs to enter the market. The for-profit higher-education sector costs less and, perhaps ironically, disproportionately serves the low-income, first-generation university students whom premier universities have largely abandoned.

In addition, perverse incentives for administrators and students often increase costs. It is often ambiguous who actually runs the school—the university trustees? Top administrators? Faculty? Students? The alumni and major donors? Tenured faculty and their deans usually control the curriculum and can make life miserable for university presidents. The presidents, to buy peace, give the faculty nice salaries and benefits, light teaching loads, and good parking, and maintain low-demand academic programs that should be axed. Students are given fancy country-club-like facilities in which to live and play, and a curriculum of decreasing rigor (average GPAs on a four-point scale have risen from about 2.5 to around 3.1 or 3.2 over the past 50 years), as well as the opportunity to lead lives focused on partying, booze, and sex. The alumni's favorite collegiate entertainments, typically sporting events, are heavily subsidized. In short, everyone who is part of the "shared governance" of universities is paid off. To make things worse, decisions are often made by committee in a costly, bureaucratic fashion.

Allow me to offer a personal anecdote of university inefficiency at work. In a weak moment a quarter of a century ago, I agreed to be a department chairman. I conned my dean into letting me hire a new faculty member, meaning that 17 people now did what 16 had done before. In other words, the department's productivity fell—yet I was nicely rewarded for my efforts, since my compensation was based partly on peer evaluations and my colleagues were grateful to have less work. (In what other business do employees have partial control over their boss's salary, and even a say in who their boss is?)

Universities do little to measure what students learn, and it is hard to assess the value of their research, so good estimates of academic productivity are hard to come by. Nonetheless, under almost any reasonable assumptions, it is lower than it was 40 years ago—and it is certainly not higher. Yet over the past 30 years or so, the number of non-instructional university employees, adjusted for changing enrollment, has roughly doubled. My university has a sustainability coordinator, a recycling coordinator, and umpteen diversity and public-relations specialists—almost none of whose posts existed when I began teaching. How much do they improve the instructional and research programs? Not at all.

Speaking of research, much of it achieves only trivial refinements of insignificant issues, and is produced for a nearly nonexistent audience. Jeff Sandefer of the Acton School of Business estimates that an academic-journal article costs on average $50,000—and is read by 200 people. That's $250 per reader. Mark Bauerlein of Emory University notes that over 22,000 articles about the works of Shakespeare have appeared since 1980. Are there *that* many new and insightful thoughts to be had about the Bard? Have not diminishing returns set in—for this topic and many others?

More generally, statistical analysis from the Center for College Affordability and Productivity suggests that the correlation between economic growth and state-government appropriations for higher education is negative—i.e., resources are taken from the highly productive for-profit sector and reallocated to relatively inefficient universities, retarding growth. As the late Milton Friedman said to me a few years before he died, perhaps he was wrong in his early writings, and instead of subsidizing higher education we should tax it.

The solutions? Reduce, do not increase, the federal student-loan programs that have raised both demand and prices. Give money directly to students, rather than to institutions, and restrict aid programs to those who are truly needy and perform well (40 percent of students do not graduate within six years; support should be cut off after four years of full-time undergraduate study). Substitute a system of good consumer information for most of the current accreditation process, which stifles competition. Make it easier for students to transfer between institutions, and favor lower-cost community colleges that are not as afflicted with the ailments described above. Develop non-university programs for certifying vocational competence—for example, tests similar to the CPA examination.

More radically, a strong case can be made that higher education is a truly private good, that the positive spillover effects of universities are vastly overrated or even nonexistent, and that government should get out of higher education altogether.

In short, we should implement roughly the opposite of the strategy favored by policymakers in Washington and most of our states. **NR**

A strong case can be made that higher education is a truly private good, that the positive spillover effects of universities are vastly overrated or even nonexistent, and that government should get out of higher education altogether.

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# Beyond the B.A.

## *Why fewer people should get one*

BY ROBERT VERBRUGGEN

For decades, parents, guidance counselors, and government officials have given the nation's youth a consistent message: Go to college. Higher education is a good investment for just about everyone, because it opens doors to higher-paying jobs.

And for many students, college is indeed the best choice. Engineers and schoolteachers, not to mention doctors, lawyers, and countless other professionals, benefit from years of formal education beyond high school. Still others might think it worthwhile to pay tuition and put off full-time work simply to learn.

But the college phenomenon has stretched itself well beyond these boundaries: About 60 percent of high-school grads enroll in four-year colleges. Many drop out, and many of those who graduate end up in jobs that do not require degrees. When employers do insist on diplomas, it's often to make sure applicants have basic capabilities—not specific skills taught in school. And even specific skills can usually be acquired more quickly and cheaply in training and certification programs. In short, we have a system that sends far too many people to college.

The obvious counterargument lies in the college wage premium, or the degree to which college graduates out-earn high-school graduates. The premium is indeed large, and has grown in spurts since 1950. Its steepest rise took place from 1980 to 2000, from 25 percent to about 45 percent. College-for-everyone advocates often trot out this statistic as proof positive of their case. Who could oppose an investment with these returns?

The problem is this: Those who graduate from college do so because they have higher cognitive abilities, more perseverance, and a greater ability to defer gratification than those who do not. These qualities would help them succeed regardless of whether they went to college. In other words, to some extent, their graduating from college is not the reason for their success, but a consequence of the reasons for their success.

The usefulness of the college wage premium is limited in other ways. It doesn't include those who drop out. It doesn't subtract the various investments (tuition, debt, taxpayer subsidies, time spent out of the work force) that go into four-year degrees. It makes no distinctions between different schools and majors. And it doesn't factor in cost of living: One recent study found that college graduates tend to live in metropolitan areas where everything costs more—so much more that half the increase in the college wage premium between 1980 and 2000 disappeared when the author corrected for the difference.

To decide whether policy should encourage greater college enrollment, we must ask whether marginal students—those who enrolled mainly because it was expected of them—are succeeding, since this is the type of student most open to suasion. If they're thriving, we should send more like them. If they're having problems, scraping closer to the bottom of the college-eligibility barrel won't help anyone. The evidence favors the latter scenario.

It's rarely mentioned that this country has an enormous dropout problem. Of students who enroll in four-year universities, about 40 percent fail to earn degrees within six years.

Of course, there will always be people who leave school before finishing, so the ideal here isn't zero. But certainly it's much closer to zero than to 40 percent—the latter, when applied to the 2.2 million 2008 high-school grads who started four-year degrees, works out to 880,000 people who in 2014 will have invested in college without finishing. That's a lot of wasted money, and a lot of time that could have been better spent building up skills in the work force or in training programs.

What about those who do graduate? A surprising number end up in jobs that do not require four-year degrees. Labor economists call this "mal-employment." The ideal mal-employment rate isn't zero, either: In any economy, some people will prepare for one career but end up in another. But in the first four months of 2007—that is, well before the recession—about 25 percent of 21- to 29-year-olds with bachelor's degrees were mal-employed, says Andrew Sum, director of Northeastern University's Center for Labor Market Studies (CLMS). Another 15 percent were unemployed, meaning that only about 60 percent of college graduates in this age range were doing work that required college. Mal-employment is less common among older graduates, but only by a few percentage points, and the improvement stops around age 32, Sum says.

The mal-employed don't see much of the famed college wage premium. As of the first half of 2008, a mal-employed 21- to 29-year-old made $619 a week, which was much closer to the earnings of an employed high-school graduate ($519) than to those of a college grad who utilized his degree ($850), according to a CLMS report.

True, that's still $100 a week. But factor in the average undergraduate student-loan debt of $17,500—payments on which amount to about $50 a week for ten years—not to mention the average $4,100 credit-card balance students accumulate by senior year. Recall the wages, savings, and investments students forgo by staying out of the labor force for four-plus years. And don't forget that, as explained above, the income gap would persist even if the higher earners had not gone to college; as the report states, "Controlling for [differences in reading, writing, and math ability] . . . would reduce the net economic return from a college degree [to] close to zero for those not holding [jobs that require college]."

A training or two-year-degree program might have opened doors for these young adults that college didn't. In the 2007 report "America's Forgotten Middle-Skill Jobs," two Urban Institute researchers noted that "nearly half (about 45 percent) of all job openings between 2004 and 2014 will be in middle-skill occupations"—jobs that require training beyond high school, but don't require four-year degrees.

The necessity of college even to jobs that formally require it can be questioned: Is all this credentialing necessary? Instead of asking to see diplomas, couldn't businesses just test applicants to see what they know—using measures like those already employed in law (the bar) and accounting (the CPA exam)?

Perusing jobs on the website Monster.com, one often finds the words "bachelor's degree required/preferred," unaccompanied by any specific major, even in posts for jobs that intelligent high-school grads could clearly do. These employers require a B.A. only to ensure that their employees have basic math and language skills. A few minutes with a pencil and a sheet of paper could accomplish what requires four years today.

Tests can also certify students in fields that require specific skills. In his book *Real Education*, Charles Murray estimated that two-thirds of degrees awarded—in fields such as hotel management, journalism, criminal justice, social work, and public administration—could be replaced by training programs and certification tests.

One might reasonably ask: If testing is such a great idea, why hasn't the private sector already stumbled upon it? There are two reasons, both the result of government policies.

The first is that looking for degrees is a convenient and free screening method for employees. Thanks to massive tuition subsidies, about one in four American adults has a college degree—diplomas are rare enough to signify competence, but plentiful enough that employers can get away with requiring them. Employers would look to alternatives if the subsidies were cut or largely diverted to training and certifications.

The second reason is that, thanks to the Equal Employment Opportunity Commission's "disparate impact" rules, employers who use tests risk lawsuits if insufficient numbers of minorities pass. Ideally, these rules would be revoked; unfortunately, the Obama administration plans to enforce them more stringently. However, if enough people get fed up with high tuition and demand certification tests, a competitive market for tests will emerge; the companies behind the tests will have an incentive to defend their products in court whenever participating businesses are sued.

Today, young adults are forced through a lengthy, expensive weeding-out process: Of those who go to college, only 60 percent graduate within six years; at any given time, only about 60 percent of college graduates are employed in jobs that require degrees; and of these, many could have achieved equal or greater success in less time and for less money. Our policymakers should help them do so. **NR**

# College Lite

*A look at the transformation the bachelor's degree has undergone, and the transformation it needs*

BY GEORGE LEEF

COLLEGES continue organizing their programs around the old four-year bundle of general-education courses, a major, and some electives for two main reasons. First, it's traditional—and colleges and universities tend to be tradition-bound. Second, they like to keep students enrolled and paying tuition as long as possible.

The four-year degree is an artifact of the days when only a small percentage of Americans, the ones who really prized learning, went to college. Most of the students who went were future clerics and scholars. Almost nobody went to college just for the sake of the credential. That began to change in the 1960s, with the surge in federal financial subsidies for college. Credential-seeking also got a big boost from the Supreme Court's 1971 ruling in *Griggs* v. *Duke Power*, which made it legally dangerous for companies to do general-aptitude testing and led them to turn to other evaluative criteria,

*Mr. Leef is the director of research at the John William Pope Center for Higher Education Policy.*

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such as whether job applicants had degrees.

Now, all but the weakest high-school students are pressured into the pursuit of a B.A., and there's such a glut that many employers require it just as a screening mechanism. As James Engell and Anthony Dangerfield wrote in their book *Saving Higher Education in the Age of Money*, "The United States has become the most rigidly credentialized society in the world. A B.A. is required for jobs that by no stretch of imagination need two years of full-time training, let alone four."

In his book *Real Education*, Charles Murray put his finger on the problem: We're trying to make the bachelor's degree do things it was never meant to do. He approvingly quotes John Stuart Mill, who said universities have the object of making, not skillful workers, but "capable and cultivated human beings."

> No more slogging through Kant, Melville, and the *Federalist Papers*; students can now consume the educational equivalent of junk food, courses such as 'Cyberporn and Society.'

The kind of liberal education that attains this object is quite different from occupational preparation and credentialing. It is rigorous and multidisciplinary, ideal for students who lust after knowledge but ill suited for young people who wish simply to have careers in accounting or marketing. Heavy scholastic work for them is as unnecessary as training to run a marathon.

Colleges know this, but instead of simply supplementing their traditional offerings with career-oriented programs that require less than four years, they've kept the B.A. framework and dumbed down the content. No more slogging through Kant, Melville, and the *Federalist Papers*; students can instead consume the educational equivalent of junk food, courses such as "Cyberporn and Society." Many graduate with weak reading skills and scant knowledge of our history, politics, and economy.

As Robert VerBruggen demonstrates elsewhere in this issue, many students would be better off skipping college altogether, and instead enrolling in two-year schools or training and certification programs. But even the traditional liberal-arts curriculum doesn't need to take as long as it usually does. A few colleges now offer programs that stuff four years of coursework into three years. Hartwick College in Oneonta, N.Y., for instance, allows students to take 40 credits per year, in the belief that reducing by 25 percent the cost of a B.A. will entice those who face financial constraints. Cramming four years into three, however, has usually been an option in any case for students enrolled in four-year programs; former Florida governor Jeb Bush got his degree from the University of Texas in just two and a half.

Also, since employers and post-college educational institutions usually don't much care what someone studied so long as he shows a measure of ability, why insist on majors and minors? To law schools, for example, all that matters is demonstrated verbal and reasoning ability. An applicant can acquire these with a major in anything from accounting to zoology. Why insist on one at all?

There are insufficient alternatives to the traditional B.A. because our educational system is built upon the notion that the more time spent in classrooms, the better, and this makes it extremely hard for people to get a hearing for the case that college is often a poor choice. The consequence is that large numbers of Americans spend more time in postsecondary education than they need to and take many courses of no lasting benefit to them. **NR**

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# The Future Is For-Profit

*Education entrepreneurs are poised to upset the complacent higher-ed establishment*

BY JANE S. SHAW

Professors and administrators at traditional colleges don't have much interest in, or knowledge of, their for-profit competitors. Operating in an insular academic world, most of them probably don't know anybody who has attended one.

But for-profit colleges now enroll close to 10 percent of the college population. And if industry projections are correct, for-profits will threaten the pleasant sinecures enjoyed by faculty and administrators at traditional colleges and universities throughout the country.

For-profits are, inevitably, very different sorts of enterprises from their traditional counterparts. They make money. If they don't, they go out of business. Many are publicly traded, and they have all the traditional private-sector incentives to control costs and satisfy customers. Those customers come largely from demographic groups that are often ignored by the nonprofit private schools and even by the public universities. Market leader University of Phoenix advertises that it serves "nontraditional, working students," and it claims to be the top bestower of undergraduate degrees on blacks, citing a study by *Diverse* magazine. More than half of the students at another big for-profit, Corinthian Colleges, have annual incomes under $25,000.

Phoenix has 420,000 students, about 156,000 of whom are seeking bachelor's degrees. Corinthian, which has 85,000 students, primarily offers one- to two-year programs in fields such as health care, criminal justice, and business; only 4 percent of its students obtain bachelor's degrees. Other large companies include Laureate Education (which owns Walden University) and DeVry. Nine companies own 90 percent of the for-profit market.

While they have attractive facilities and

*Jane S. Shaw is president of the John William Pope Center for Higher Education Policy.*

well-equipped classrooms, schools such as Phoenix do most of their teaching online. The exact proportion of online to classroom study is unknown: Like other private companies, these schools are reluctant to give out information that may be useful to competitors, although the information they do reveal is more likely to be accurate than what you get from conventional colleges—they have to report to the SEC, not to *U.S. News & World Report.*

Online education no longer really sets for-profits apart from traditional schools. Traditional universities have moved into online education, too, both as a supplement to face-to-face instruction and as a way to reach students who cannot attend classes.

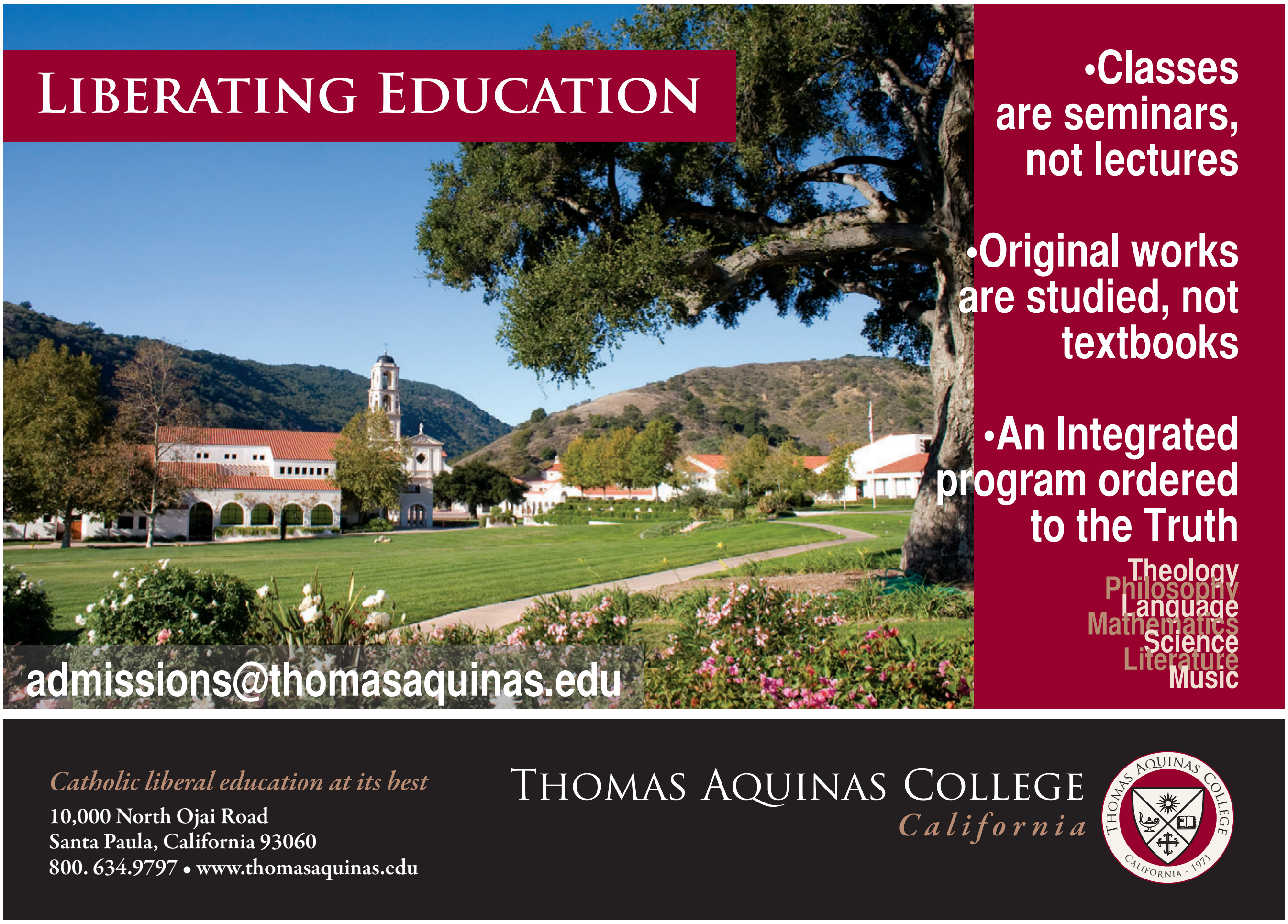
The Sloan Consortium, an organization that promotes online education on traditional campuses, says that nearly 4 million students were taking at least one online course in the fall of 2007, up from 1.6 million in the fall of 2002. (There are about 18 million undergraduates in school today.) Anticipating enrollment growth, university officials see online education as a way to avoid expensive bricks and mortar. But the virtual classroom also helps pull in revenue.

There remains some question about whether online courses are as good as face-to-face instruction. The Sloan Consortium quietly concedes "the consistent finding [that] not all faculty accept the legitimacy of online education." One attempt to blow that claim out of the water was the Department of Education's recent meta-analysis of 51 studies of the effectiveness of online education, "Evaluation of Evidence-Based Practices in Online Learning," which concluded that online education is in fact more effective than traditional classes. Critics such as Glenn Ricketts of the National Association of Scholars argue that the analysis may have cherry-picked available studies to paint a rosier picture than is justified. College professors are broadly skeptical of online education's value. A 2009 study published by the Association of Public and Land Grant Universities found that 70 percent of the faculty surveyed believed online courses to be inferior to their face-to-face counterparts.

The online-intensive University of Phoenix reports extensively on its learning outcomes (far more so, in fact, than most traditional colleges do). On the MAPP (Measure of Academic Proficiency and Progress) test, for example, Phoenix students do about as well as the average student nationwide; the company notes that, because many of its students enter with lower-than-average skills, this is a significant accomplishment.

Whatever its merits now, online education almost inevitably will be more widely available in the future. The online approach—with its lower costs and its potential for expanding revenue and reach—will create a competitive marketplace that could be fatal for some schools and could severely affect others.

Jeff Sandefer, co-founder of an innovative business school in Texas, Acton MBA, says that the current mode of teaching at most universities—"I'm the expert; I talk, you listen"—will end.



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Sandefer is famous for predicting the collapse of Enron years in advance, citing its "arrogance" and "moral decay," and he pointedly compares the higher-education establishment's nest-feathering with the worst sort of self-dealing boardroom shenanigans. He predicts that a complacent higher-education system will not be able to survive competition from hungry entrepreneurs with better operating models. Sandefer, himself a Harvard MBA, doesn't necessarily believe that the revolutionaries overrunning the ramparts will be for-profit schools in their present form; he has a more complex model in mind, which he calls "disaggregation." This would involve the splintering of educational services into proliferating alternatives. At Acton, for instance, writing skills are developed with the aid of part-time coaches working mostly online, freeing up full-time faculty to concentrate on more specialized academic content.

To provide education to working adults, especially low-income ones, the for-profits have become dependent on the federal government.

For now, the traditional model is largely intact. At least one closely watched for-profit company is working with the establishment: Higher Ed Holdings supplies online education to public universities—for example, teacher-education courses at Lamar University and Arkansas State. Its founder, Randy Best, says that the university faculties remain in control and his business merely facilitates the delivery of online courses. But that delivery includes, among other things, academic coaches who interact with the students. Not surprisingly, faculty reaction has been suspicious or hostile: The University of Toledo rejected Best's services after its professors complained of losing control. Another complaint: Seventy percent of the new tuition revenue would have gone to HEH.

Like Sandefer, Best is critical of today's higher-education institutions, condemning their "aloofness and lack of market responsiveness."

But for all the for-profits' strengths, they are far from the ideal competitive model. To provide education to working adults, especially low-income ones, they have become dependent on the federal government. Most of their students obtain federal grants and/or federally subsidized loans. In fact, some for-profits have become so dependent on federal aid that the law now prohibits them from receiving more than 90 percent of their revenue from federal sources. That the private for-profits receive so much government money perhaps seems shocking at first, but it is predictable, since most of the students they serve are of the socioeconomic class that government wants to subsidize.

So far, the for-profits are either too small to threaten traditional schools or, as in the case of Best's HEH, are working hand-in-glove with them. But the march of for-profit higher education is just beginning. One of the for-profits' most important advantages is their ability to drive down students' out-of-pocket expenses: In an eye-opening article published recently by *Washington Monthly*, Kevin Carey, of the think tank Education Sector, described a for-profit outfit called StraighterLine that provides undergraduate courses online for $99 a month. He gives an example of a student who, working daily at her kitchen table, completed four courses in less than two months, for a total cost of $198. According to Carey, comparable courses would have cost more than $2,700 at a nearby public university, and $6,300 at the University of Phoenix.

StraighterLine's business model may not prove to be a successful one; right now, the school is having trouble obtaining accreditation. But, as Carey says, if this company doesn't succeed, another will: "There is an unstable, treacherous future ahead for institutions that have been comfortable for a long time."

Competition—especially online competition from profit-seeking companies—is changing the landscape of higher education. Overall, we can expect to see that landscape improved—even if Phoenix and the rest leave some bodies on the field. **NR**

# Check That Checkbook

### A guide to smarter alumni giving

BY TODD J. ZYWICKI

Before sending a check to your alma mater this year, know this about higher education: America's wealthy and elite universities are convinced that you need them more than they need you.

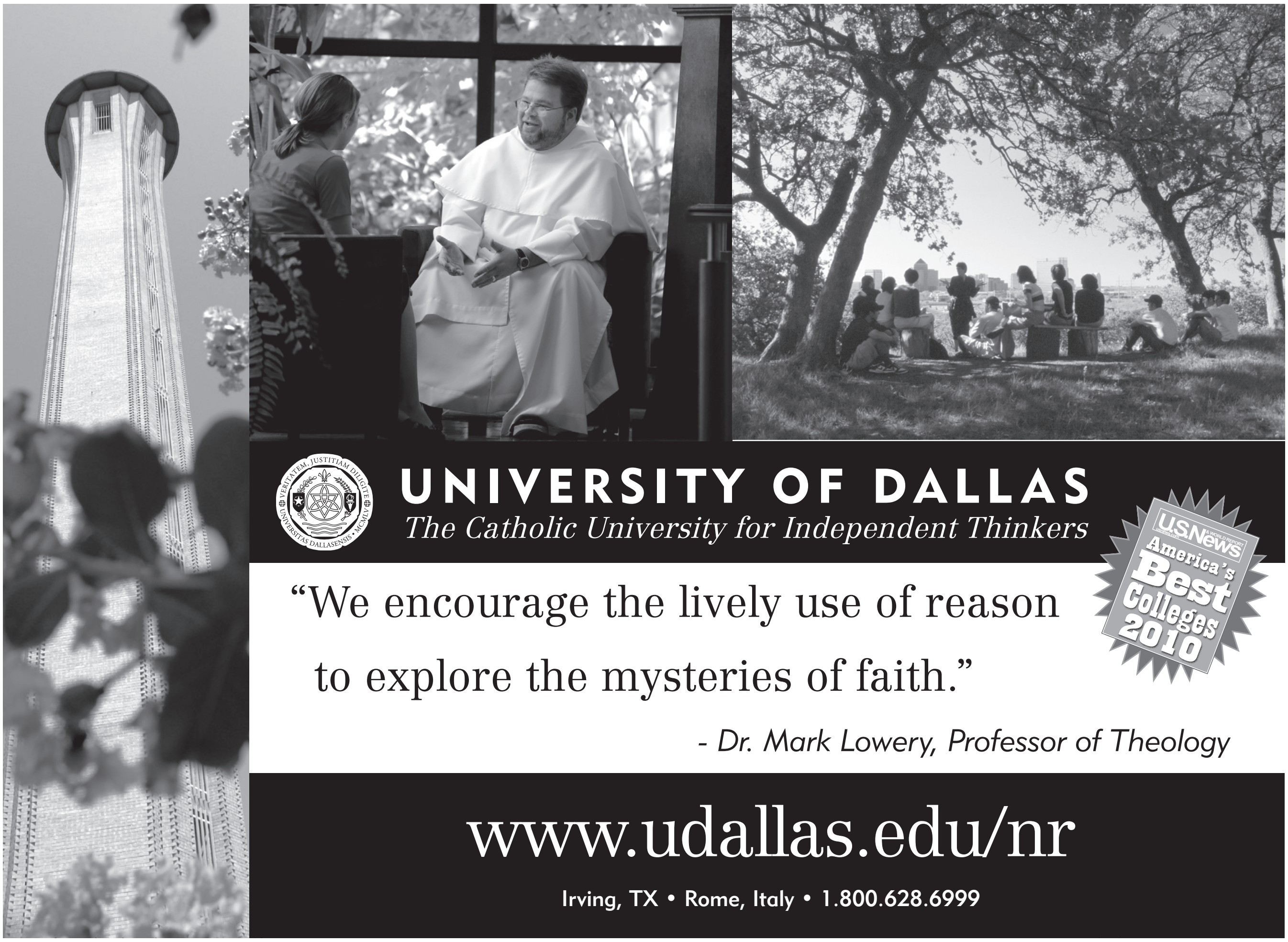
At the beginning of 2008, 76 colleges and universities had endowments estimated to be $1 billion or more. That number has shrunk because of the financial crisis, but leading universities will not be breaking out the tin cup anytime soon. True, many institutions (including Harvard and Dartmouth) have been forced to make major budget cuts and issue hundreds of millions of dollars in debt financing. But these shortfalls resulted primarily from universities' overloading their investment portfolios with hedge funds and other exotic, risky, and illiquid gambles. The financial crisis has not changed the fundamental dynamics of modern university-alumni relations.

*Mr. Zywicki is a professor of law at George Mason University and a member of Yorktown University's board of trustees. From 2005 to 2009, he was a trustee of Dartmouth College.*

Indeed, massive endowments have fundamentally distorted the traditional relationship between universities and their supporters. In the 19th century, alumni leveraged their alma maters' dependence on their financial support into successful movements for academic reform and better university governance. Their efforts helped bring about, among other things, a modernization of the classical curriculum to include the study of science and other fields, as well as more open and accountable campus leadership. Today's academy requires analogous reforms. What can you do to encourage them?

*Support specialized programs.* Entrepreneurial faculty and concerned alumni at several universities have developed programs that provide what was once the heart of a liberal-arts education. Princeton's James Madison Program in American Ideals and Institutions and Brown's Political Theory Project are noteworthy examples that have inspired similar efforts elsewhere. But their success, and their dissent from prevailing intellectual orthodoxies, has also provoked resistance. Hostile faculty and administrators have blocked such programs at some schools (most notably Hamilton College), and at others have insisted on control of their content.

Massive endowments reduce the



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leverage that even large donors have to promote curricular or other reforms. Wealthy universities have decided that free money is too expensive if it comes with the “wrong” sort of strings attached. Yale returned a gift from the Bass family rather than teach Western civilization. At Dartmouth, the independently funded Daniel Webster Project in Ancient and Modern Studies languished in administrative purgatory for years. For every successful program there seems to be at least one that has foundered on the shoals of ideological opposition and bureaucratic infighting.

*Don’t donate reflexively.* Many alumni view supporting their alma mater as an annual tithing obligation that must increase along with one’s wealth. Universities have developed a special skill in manipulating this sentiment—indeed, many of my friends express feelings of genuine guilt about withholding donations over their disagreements with university policy.

> Many alumni view supporting their alma mater as an annual tithing obligation that must increase along with one’s wealth. Universities have developed a special skill in manipulating this sentiment.

During my time on the Dartmouth board of trustees, and over my opposition, the board’s majority abrogated the college’s 116-year agreement with alumni—which had empowered them to elect half of the then 16 non–*ex officio* members of the board—by adding eight new trustees appointed by the board itself. The majority knew its decision would generate a major backlash from alumni, who would respond by withholding financial donations. But the board had made a cynical calculation: that the new appointed seats could essentially be sold to large donors, who would more than offset any drop in donations from rank-and-file alumni. As one trustee put it in a rare moment of public candor: Board seats are valuable financial assets, and alumni-elected trustees take up seats that could be filled by mega-rich donors. Even more cynical was the board’s calculation that alumni have short memories and their generosity would return to its former level within a few years. Based on similar episodes in the past, one suspects that they were right.

*Earmark your donations for specific purposes.* The modern academy rests on a sort of shell game: raising money purportedly for sound educational purposes but surreptitiously using it to support academically suspect programs. One reason university finances are so opaque is that alumni would be less generous if they knew how their money is really spent, as opposed to how they are implicitly promised it will be spent.

For example, funds donated for educational purposes are often diverted to cover administrative costs. According to the Delta Project on college costs, administrative spending grew two to three times as rapidly as educational expenditures from 1995 to 2004. Much of this growth is simply empire-building by self-interested college bureaucrats of all stripes (bigger departments mean bigger salaries), but some of it represents the proliferation of deans and administrators to enforce political correctness. Dartmouth, like many schools, has long had an “Office of Institutional Diversity and Equity” (OIDE). Yet a few years ago, it felt the need to establish something called the “Office of Pluralism and Leadership” (OPAL). In my four years on the board, I never was quite able to figure out what OPAL did that OIDE did not, or could not, do. Whatever the answer, both require the oversight of a college vice president whose office was created just a few years ago.

Unfortunately, earmarking funds is of limited usefulness so long as most alumni continue to reflexively donate to the institution’s general fund. Money is fungible, so, while earmarking will make you feel more comfortable that your donation is going to be used productively, it isn’t sufficient to end the shell game that is the essence of university finances.

*Your alma mater will not always be controlled by your friends.* Recent years have seen a spate of donor-intent lawsuits and controversies, most notably the litigation over gifts to Princeton and to Trinity College in Connecticut. Such disputes are likely to become more common in coming years, especially if endowments are slow to return to their formerly high-flying valuations. In both cases, gifts were established for specific purposes long ago. As the gifts grew, the institutions redirected, or sought to redirect, a portion of them to purposes other than those that the donor intended. This prompted lawsuits from family foundations. The dispute at Princeton was settled on terms that appear highly favorable to the university, suggesting that its strategy of asking forgiveness rather than permission was wise.

Alumni should keep in mind that colleges and universities have teams of lawyers devoted to creating and exploiting loopholes in donor-intent agreements. Even if the current university administration is trustworthy, that will not necessarily remain so. Donors are especially vulnerable when they establish perpetual gifts, as in the Princeton and Trinity cases.

*Be a venture capitalist.* There are many fledgling institutions that have ambition and vision but are starved for resources. Boston College in political science; George Mason, Florida State, and Clemson in economics; George Mason and Notre Dame in law—all are centers of excellence committed to supporting the principles of a free society. Rather than try to turn the direction of giant barges like Harvard and Yale, which will accept your generosity only on their terms, why not donate to these upstart programs, which are grateful for even modest investments? **NR**

# The Long View

BY ROB LONG

## SOCIAL STUDIES PROJECT

## Michelle Stevens, 8th Grade

Glenn Beck Middle School
September 16, 2019

For my Social Studies project, I decided to interview my mom and my grandmom to talk about their experiences and other stuff when they were both getting all political and everything.

My grandmom was alive during the 1960s, when there were a lot of people listening to music outside and dancing and getting naked. She went to a big outdoor concert where there weren't any restrooms in New York State, called Woodstock. There were a lot of people there her age (20) and a lot of them were doing drugs and things which she says she did too but that I shouldn't, and also they were upset about a war going on in Vietnam that was started by Richard M. Nixon, who was one of our presidents. She says that she didn't get totally naked there, but she also says she can't remember everything that happened back then. I have some pictures that she gave me of the event but I won't put them in this report because they're gross. When she was at this concert she met my grandfather and they hooked up a couple of times and then got married and then had my mom in a peanut-butter colored minivan of some kind which was when my grandfather decided to go to law school.

When I was three years old, my mom got really mad about something that Barack Obama, one of our presidents, was doing. If you don't know who Barack Obama was he's on the million dollar bill. I was going to staple one to this report, but I need it for the bus home. The machine only takes crisp million dollar bills. So, anyway, my mom was really upset at Barack Obama and so she and a lot of people her age then (30) went to Washington, D.C., for a big protest on the huge grass park right between the Starbucks Monument and the Democratic Party Headquarters building with the round top and the big steps. It was a big event and my mom says that over 2 million people attended, which is amazing. She says they all had a great time and protested some huge government spending laws which she says we're lucky didn't get passed because if they did the bus would cost 2 million dollars to ride rather than only 1 million dollars but I'm not sure there's much difference between the two but anyway. Here's my interview:

**Q. What did you guys eat at your outdoor events?**

***MY GRANDMOTHER:*** Just whatever. We didn't even think about it. People just brought stuff and we shared and we danced and we just concentrated on music and peace and brotherhood.

***MY MOM:*** I brought tuna sandwiches for your father and myself. And some kind of noodle salad. I forget what kind. And water.

**Q. What was the weirdest thing you saw?**

***MY GRANDMOTHER:*** Three nude people, covered in mud, making out.

***MY MOM:*** We didn't see anything weird. Heavens, Michelle, what kind of question is that?

**Q. Did you take any drugs?**

***MY GRANDMOTHER:*** You know, in the context of the time, considering who we were and where American society was, and the terrible war we were protesting, I have to be honest and say that, yes, there was some drug taking. But it was a more innocent time, a more idealistic time. And back then, drugs were a way to show our independence, to stake a claim for our generation. To announce to the world that we were going to change things, that there was a revolution coming.

***MY MOM:*** Your father brought Claritin.

**Q. What did you wear?**

***MY GRANDMOTHER:*** A purple flowing Indian-style dress with a garland of flowers in my hair, bare feet, and a wide and loving smile.

***MY MOM:*** Jeans and a sweatshirt. And sneakers. And a hat for the sun. And sunblock. SPF 40, I think, though your father didn't wear any sunblock and suffered the next day, let me tell you.

**Q. Do you think it was successful?**

***MY GRANDMOTHER:*** Oh, yes! Yes, definitely. I mean, we didn't end the war or anything. And eventually of course we all grew up and moved on with our lives. And of course Richard Nixon was reelected in 1972, and then Reagan came along in 1980, so I mean, I guess as far as revolutions go, this one wasn't so big, but it was a great time and I met a lot of people (including your grandfather!) and what's fun is that a lot of the people I met back then went on to write for the *New York Times*! And they always write about it, pretty much every month, so it's fun and easy to keep up!

***MY MOM:*** Well, we kept them from taking all of our money, which I guess counts as success. But they're still taking most of it. And those Diet Cokes you love so much didn't used to cost 5 million dollars apiece.

**Q. Anything else you'd like to say?**

***MY GRANDMOTHER:*** Just that although your mother and I disagree on a lot of things, I think it's important for each generation to be engaged and passionate about life and society and justice. And to be free! To hear the music of your generation and dance with abandon!

***MY MOM:*** No. Finish your homework.

# Books, Arts & Manners

## The Epic of The Durants

DANIEL J. FLYNN

Eighty years after Will and Ariel Durant started writing their history of the world, their finished project appears as quixotic as their dream: It's hard to imagine two feet of books, unconcerned with America and current events, making for a rush on Borders checkout lines. But, during its four-decade publication odyssey, *The Story of Civilization* regularly had its volumes on the bestseller list; the last volume, *The Age of Napoleon* (1975), spent seven weeks there.

In 1981, Will and Ariel Durant died within a fortnight of each other. It seemed fitting. They had been married for almost seven decades, won both a Pulitzer Prize and the Presidential Medal of Freedom together, and produced the eleven-volume *Story of Civilization*.

At their wedding, in 1913, nothing would have seemed more far-fetched than the prosperous union that followed. Before Will and Ariel Durant's names became inseparable on dust jackets, they had been joined in scandal. He served as the principal of an anarchist school; she was its student most committed to classroom anarchy. In the first of his life's many transitions, Will traded the discipline of Seton Hall (where he had been a lay teacher, then a seminarian, and then a lay teacher again) for the latitudinarianism of the Ferrer School, which dispensed with grades, detention, compulsory lessons, and even the notion of "the" teacher. Durant's students skipped rope inside the classroom and pelted him with snowballs outside it.

The teacher, too, took advantage of the peculiar system. Durant confessed to his bosses in 1913 that though "my feelings for Ariel were those of fatherly or brotherly interest, I say now that I love the girl." Durant tendered his resignation, which his overseers tried to rebuff. Departing after the 1912–13 school year, teacher married student. The bride roller-skated from Harlem to City Hall, and slung the transportation over her shoulder for the ceremony. The groom was scolded by the judge as a "cradle robber" and lectured to delay consummating the marriage until Ariel's 16th birthday.

Though the teacher-student romance may have been, in Will's words, "the scandal of a season," the season did not last long. A year after Durant's resignation, three anarchists transformed a Harlem tenement into an arsenal—just blocks away from the Ferrer School, where they had plotted murder. Like three Weathermen downtown 56 years later, the trio ended up killing themselves instead of their intended targets, John D. Rockefeller Jr. and the partygoers at his 1914 Fourth of July picnic.

Like the Durants' intergenerational romance, the bombers hardly scandalized Ferrer School radicals. Planned Parenthood matriarch Margaret Sanger, her son a former Durant student, lionized Rockefeller's would-be assassins. The federal government suppressed her journal and indicted her. She fled America. Future Communist-party literary commissar Mike Gold penned a youthful ode claiming that the bombers just "loved too much." Plot puppeteer Alexander Berkman, failed assassin of Andrew Carnegie's lieutenant Henry Clay Frick, had again failed in orchestrating an industrialist's demise but succeeded in evading justice—even as he organized a demonstration that celebrated his puppets as martyrs.

For the second time in less than a decade, Durant lost faith. "I came now to feel toward anarchism very much as I felt toward Catholicism: I could give it respect and sympathy even though I withheld belief," he wrote in his autobiographical novel, *Transition*. "But I bore from that moment a new sadness in my heart as I realized that I was fated, bit by bit and day by day, to lose my Utopian aspirations as I had lost, in younger days, my hope of immortality and heaven." But

*Mr. Flynn is the author of* A Conservative History of the American Left *(Crown Forum, 2008).*

*The Durants in 1975*

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like the Seton Hall priests who had offered the seminarian employment even after he announced his atheism, Alden Freeman—the sugar daddy of the Ferrer School, who had already sent Durant on a European junket—sent Will to Columbia to study philosophy.

Columbia, radical breeding ground for Whittaker Chambers, Elizabeth Bentley, and others, strangely had the opposite effect on the seminarian-turned-socialist. Durant's study of philosophy made him realize that many of his generation's supposedly novel ideas had been tried, and failed, too many times to count.

He nevertheless remained in that radical milieu. At Manhattan's Labor Temple, a place of continuing education for Manhattan radicals, Durant twice weekly imparted the wisdom of the ages to workingmen, passers-by, and Greenwich Village denizens who could afford the 25-cent tuition: He was dubbed a "one-man university." When the eccentric publisher Emanuel Haldeman-Julius wandered into the Labor Temple in 1922 to catch a lecture on Plato, destiny seemed at work. Both men had been engaged in the same endeavor: providing the masses an elite education. While Durant lectured mass audiences on the history of philosophy, Haldeman-Julius published for the common man the "Little Blue Books," an ingenious series of staple-bound pocket-primers on every subject imaginable.

Haldeman-Julius petitioned Durant to pen a 15,000-word monograph on Plato. Busy, Durant demurred. Persistent, Haldeman-Julius sent a check for $150. It was an offer the young Ph.D. couldn't refuse. A second volume, on Aristotle, followed another check. Eleven Durant-authored Little Blue Books made their way into print between 1922 and 1925. By 1926, the sales of Durant's primers—ultimately nearing 2 million copies—prompted Haldeman-Julius to bind the collection properly, between two hard covers. He commended Durant to twenty-something upstart bookmen Dick Simon and Max Schuster. *The Story of Philosophy* would be the bestselling nonfiction book of 1927, establishing Simon and Schuster as publishing giants and providing Durant the cash-register cachet to chart his own course.

The commercial success of a book on Aristotle, Nietzsche, Spinoza, and other highbrains says as much about Durant's crowd-pleasing style as it does about the crowd. Strangely, critics viewed Durant's project as part of the dumbing-down of culture, as if it somehow sullied the greatest philosophers to encourage mechanics with dirty hands to read their books. As Durant put it, *The Story of Philosophy* was "disgracefully and unforgivably popular." Snobs, not for the last time, looked down on Durant's attempt at cultural uplift.

## FROM *SONNETS FROM THE DARK LADY*

26.

*"For all my vows are oaths but to misuse thee . . ."*

Misuse makes for its costume gorgeous ghosts
Of garments any critic could revere.
O how I hate them fresh!—the grandiose
And homeliest alike, opaque or sheer,
Both rose and jet. Just those reduced to wraiths
Hold true appeal. In those I put my wear,
And then the *Holy* Ghost—well in my Faith's
Constraints, no matter what you see or swear.
Thus when you vow by me, you vow by rag
Dampened with swamp wine, with a Host of earth
Rubbed through its threads, embellished with moss slag.
To vow by me is to avow a birth
Conception so neglected as to make
My own kin call its summons a mistake.

—JENNIFER REESER

Both Durants' lifetime project was to bring the education of the few to the many. Their lives exemplified the wisdom of such an effort. Ariel, born Chaya Kaufman in a Jewish ghetto in Ukraine, was temporarily struck blind during passage from Old World to New. Temporary quarantine in Liverpool to deal with the mysterious malady resulted in her family's permanent loss of their possessions. With her family's luggage travelling to America without them, Ariel's hard-luck immigrant experience reads as a caricature. Will's upbringing in a supersized family of ten conformed to Catholic stereotypes. Will spoke French in the home, and his immigrant factory-worker father never learned to read. When Will and Ariel married, it was the religious rather than the age gap that scandalized their families. What brought them together, and raised them from meager upbringings, was education. For Will, the Jesuits imparted knowledge and wisdom; for Ariel, Will did.

The Durants were the consummate blue-collar intellectuals. But by the late 1920s, Ariel's work as the proprietor of the Gypsy Tavern in New York made her more blue-collar than intellectual—even in a bohemian haunt barely escaping the shadow of the Washington Square Arch. Will was buried in his books, Ariel behind her bar, and the Durants reached a marital crossroads. "If we could only find a way in which each of us would enter more fully into the life of the other," Will wrote. He offered to go out biweekly with his wife if she joined him in an intellectual partnership for the week's remaining days. Ariel gradually turned over her bar to relatives and joined Will in the project that would dominate their remaining half century. "Our love was renewed," Ariel recalled, "and our lives became one."

The Durants embarked on their intellectual odyssey on the SS *Franconia*, which left New York on Jan. 11, 1930, to explore such exotic locales as Algiers, Cairo, Nazareth, Bombay, Madras, Rangoon, Bangkok, Saigon, Canton, Shanghai, and Osaka. With *The Story of Philosophy*'s proceeds, the Durants laid down $18,000 for two staterooms housing Will, Ariel, daughter Ethel, and 200 books.

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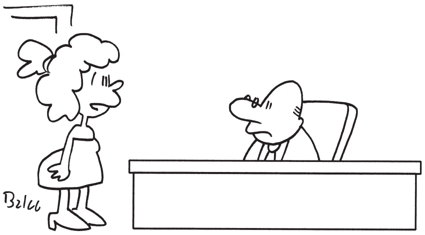
*The Story of Civilization*'s first entry, matched its author's travels. Sections moved west to east. Chapters moved past to present. Will presented Ariel with chapter outlines, accompanied by relevant notes, and Ariel organized Will's slips of paper into the relevant chapter subheads on art, religion, war, and so on until they constituted a chapter. "We estimate that an average chapter of the *Story* used some fifteen hundred slips, or about thirty thousand per volume; our attic rooms are bulging with the boxes of used slips," Ariel recalled in 1977. "All in all, the gathering of the material for Volume I (ignoring the gleanings made before 1929) took two years; the classification, one year; the writing and rewriting (in longhand), and the typing, two years; the printing, proofreading, and illustration, one year." This pattern of telling the story of civilization was repeated ten times.

Their globetrotting jaunts, too, recurred with great frequency. In 1932, the Durants embarked on a trip wholly irrelevant to the content of *The Story of Civilization* but crucial to its critical reception. After spending nearly a month in Soviet Russia—which he called a "gigantic prison"—Durant attempted to sell his reflections on the trip to the day's leading magazines. *The Atlantic Monthly* and *Harper's* balked. It was the 1930s, and editors expected ideological tourists dutifully to return home with tales of heaven on earth; Durant's honest account failed to conform. *The Saturday Evening Post* finally offered $6,000, during the depths of the Depression, for the four-part serial. "Surely the time has come for the intellectuals, the liberals, and the radicals of the world to speak out about this new slavery, to call it clearly and bluntly what it is," wrote Durant. "For it can no longer be doubted that in this dictatorship of politicians is to be found every abuse which liberals and radicals have denounced in their own societies for generations."

The serial enraged the Communists and fellow travelers who bullied writers in the 1930s. John Reed, Lincoln Steffens, and W. E. B. Du Bois had found Heaven in Russia. Why hadn't Will Durant? Despite a Simon & Schuster editor's warning that an unfavorable book about Russia would further alienate reviewers, a determined Durant bound his series in *The Tragedy of Russia* (1933). Coming from a credentialed radical who, upon receiving news of the revolution, had proclaimed "Holy Russia" the "gentle Christ of the Nations," the book, articles, and lectures on Russia, Durant discovered, "won me large audiences and many enemies."

Many of the Durants' "many enemies" called the campuses home. The Durants' view of Communism offended academia's ideology, even as their history writing offended its guild mentality. The sin of being independent scholars unaffiliated with institutions of higher learning was compounded by the infuriating fact that neither was a properly credentialed historian. It was bad enough that Will was an interloper from philosophy; Ariel didn't even have a college degree. This independence resulted in a historiography that rebelled against that of professional historians, irking scholars but pleasing readers. The Durants eschewed theory-driven history for people-driven history, microscopic specialization for broad synthesis, and the clique's jargon for the King's English. *The Story of Civilization* extracted history from the academic ghetto, opening the conversation about the past to all comers.

The Durants' style of cutting to the point made them anathema to academics who saw clarity as a vice. Their critics wrote to be cited; the Durants wrote to be read. *The Story of Civilization* is epigrammatic: "We know that war is ugly, and that the *Iliad* is beautiful." "Some nations have not lasted as long as Rome fell." "It was a pity that Adrian could not understand the Renaissance; but it was a greater crime and folly that the Renaissance could not tolerate a Christian Pope." "The state in some measure had civilized man, but who would civilize the state?" "No nation is ever defeated in its textbooks." Readers remember the Durants because readers remember their words—not all 2 million of them, but a pithy line here or there that somehow manages to put whole epochs into perspective.



*"Bad news, sir—there's a leak in our think tank!"*

Will Durant rejected the historians' politicization of history. "If I were to ask what Will Durant believes, or disbelieves," a reader lamented, "I could not produce a single paragraph *explicitly* stating your position." But what some readers, and even his wife, viewed critically, Will considered a virtue.

Though the Durants didn't intrude their politics into their histories, they were far from apolitical. In 1930, Will spent a weekend with Herbert Hoover at Camp Rapidan, conversing with the president for hours. By 1932, he had shifted his allegiance to Franklin Roosevelt, who would host him at the White House, as would Harry Truman, who assured Durant that he kept a volume of *The Story of Civilization* by his bed for evening reading. The flattery went both ways. The couple's passion for Hubert Humphrey so clouded their judgment that, in the last days of the 1968 campaign, they mixed Richard Nixon's name with Nazis and the Ku Klux Klan. Nor did seeing the past translate into telling the future: Will supported Wilson to stay out of the Great War, Roosevelt to stay out of World War II, and Johnson to stay out of Vietnam. To his credit, he highlighted, rather than obscured, his mistakes, such as his belief that Imperial Japan would never attack America and his early enthusiasm for anarchist education ("a weak inability on our own part to command because we had never learned to obey").

But Will could also sound like a reactionary. "Most of our literature and social philosophy, after 1850, was the voice of freedom against authority, of the child against the parent, of the pupil against the teacher, of men against the state," he lamented in 1963.

> I shared in that individualistic revolt. I do not regret it; it is the function of youth to defend liberty and innovation, of the old to defend order and tradition, and of middle age to find a middle way. But now that I too am old, I wonder whether the battle I fought was not too completely won. . . . Have we too much freedom? Have we so long ridiculed authority in the family, discipline in education, rules in art, decency in conduct, and law in the State that our liberation has brought us close to chaos in the family and the school, in morals, arts, ideas, and Government? We forgot to make ourselves intelligent when we made ourselves free.

If ever a man embodied the dictum attributed to Churchill, that conservatism in youth reveals heartlessness and liberalism in age reveals brainlessness, it was Will Durant. Three decades after he discovered the truth about Soviet Communism, Durant again became a man against fashion, with his broadside against moral anarchism. In politics, religion, marriage, and scholarship, Durant forever played the apostate.

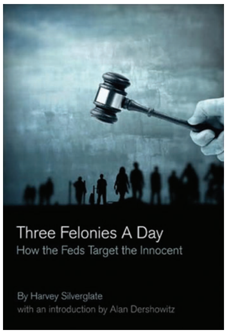
All the while, the Durants' labors on *The Story of Civilization* continued. As volume piled upon volume, the master generalists became second-rate specialists, writing more about less. *The Age of Faith* had covered the history of Jews, Christians, and Muslims over a millennium, but the planned *Age of Reason* coda expanded to five books (the volumes that credit Ariel as co-author) covering a mere 250 years and too often limiting their focus to Britain and France. Whether it resulted from an Enlightenment bias, a concession to specialist historians, a Durants Inc. mania for more and more product, or age's desire to continue youth's activity, this extension of seven volumes into eleven left the audience wanting less rather than more.

But in life's twilight, with their bodies and books in decline, the Durants received appreciation from quarters that hadn't always appreciated. Universities coveted them as commencement speakers. Young people were introduced to them through endless printings of *The Story of Civilization* and *The Story of Philosophy*, which in May 2009 enjoyed yet another reissue. Critics awarded them the Pulitzer Prize for *Rousseau and Revolution* in 1968. A Republican president bestowed the Medal of Freedom upon them in 1977. By November 1981, just days after Ariel's burial, the Catholic Church that had excommunicated Will performed his last rites.

"As a young man, he asked too many questions to be an authentic rebel," former *Saturday Review* editor Norman Cousins eulogized, "and in his later years he was too distrustful of the answers to be an authentic conservative." Will and Ariel Durant became what they had wished history to become: for Democrats and Republicans, old and young, believers and atheists, scholars and readers—for everyone. **NR**

# Power Grabs

JOHN O. McGINNIS


Three Felonies A Day
How the Feds Target the Innocent
By Harvey Silverglate
with an introduction by Alan Dershowitz

*Three Felonies a Day: How the Feds Target the Innocent,* by Harvey A. Silverglate (Encounter, 350 pp., $25.95)

EARLY in U.S. history, the Supreme Court made a momentous decision that remains our most important protection from the abuses of criminal law: It rejected a federal common law of crimes that would have authorized judges to punish the misconduct that they believed endangered social order. Only the legislature, not the judiciary or the executive, could create new offenses. This constitutional requirement ensured both that society's representatives would deliberate before criminalizing a new category of behavior and that citizens would possess adequate notice before being subject to the awesome rigors of criminal justice.

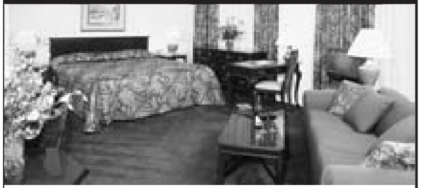
In essence, the thesis of attorney Harvey Silverglate's new book is that modern law enforcement is reviving a common law of crimes in a new guise. Because federal criminal statutes have become so vague and all-encompassing, they permit prosecutors to create new offenses and persecute citizens who had little reason to know that they were committing any offense. This development is even worse than the old common law of crimes, because prosecutors are more likely than judges to be motivated by politics and not by the public interest.

Two kinds of statutes, in particular, arouse Silverglate's ire. Complex regulatory regimes often contain ambiguous concepts that prove traps for the unwary. For instance, the Food and Drug Administration permits doctors to prescribe off-label uses of pharmaceutical drugs, but prohibits manufacturers from promoting these uses. According to Silverglate, prosecutors indicted a doctor who advocated applying a particular drug to many diseases, including depression, although the drug had been approved only for narcolepsy. Because the doctor touted the drug's multiple uses at conferences sponsored by its manufacturer, prosecutors argued that he was conspiring with the manufacturer in violation of the regulatory prohibition.

Silverglate also suggests that mail- and wire-fraud statutes sweep with a breadth limited only by a prosecutor's creativity. Silverglate focuses on the case of Steven Kurtz, an avant-garde artist who used harmless bacteria as part of his artwork. According to Silverglate, Kurtz received the bacteria from the chairman of a university biology department—and prosecutors said this was an act of fraud, because he used the material in violation of the contract with the department's supplier, which limited the bacteria's use.

Silverglate is to be commended for highlighting another potential danger of the modern administrative Leviathan. Congress today often enacts only vague mandates, delegating to bureaucrats the responsibility for implementing the all-important details of regulatory schemes. This development is troubling enough when unelected officials acquire the discretion to regulate businesses under confusing and ever-changing rules. It is truly terrifying when those bureaucrats are

*Mr. McGinnis is the Stanford Clinton Sr. Professor at Northwestern Law School.*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federal prosecutors who threaten ordinary citizens with jail under regulations that are opaque and ephemeral.

Unfortunately, Silverglate's book suffers from a few flaws that make it difficult to gauge the extent of the problem he outlines. First, his approach is purely anecdotal, with details from about a score of cases. It is not clear how representative they are, and a vast republic like ours will always encompass some outrageous overreaching. Indeed, in a few of his own examples, trial or appellate courts terminated with prejudice these misbegotten prosecutions. A trial judge dismissed that eccentric art professor's indictment, because he could not find conduct that rose to the level of fraud.

Moreover, in some of the recounted cases Silverglate himself acted as defense counsel. Even with the best will in the world, a lawyer cannot assess his own cases objectively, particularly when he lost. And in describing other cases, Silverglate has a habit of making claims that would convince only the fraternity of defense lawyers. For instance, he argues that because a civil-rights law concerning redistricting requires plaintiffs to prove only discriminatory "effects," not the discriminatory "intent" of those responsible, a Massachusetts house speaker's lies about his reasons for redistricting were not material to a civil case on the subject, and the speaker could not be subject to a perjury charge in a subsequent criminal proceeding. But the intent of a public official bears directly on the likely effects of his action. Silverglate's claim that the speaker's statements were not material is even less persuasive than Bill Clinton's claim that his lies about Monica Lewinsky were not material to Paula Jones's sexual-harassment case.

Silverglate has a habit of making claims that would convince only the fraternity of defense lawyers.

Silverglate also conflates his justified concern about lawless prosecutions with unrelated and less warranted complaints. For instance, he devotes much of a chapter to attacking decisions by prosecutors to require reporters to testify about their sources. But the demand that citizens give evidence in criminal investigations applies in cases where the criminal law is clear. And the proposition that the press should not have privileges unavailable to others advances equal justice no less than the proposition that prosecutors should not enjoy discretion under vague statutes to pick and choose whom to prosecute.

Silverglate also does not offer many specific solutions to the dangers he exposes, beyond exhorting prosecutors, judges, and legislators to stop creating and using vague criminal statutes. In his lucid introduction, Harvard law professor Alan Dershowitz does hint at a structural solution: An independent official, rather than a political appointee such as the attorney general, should supervise federal prosecutions. But this scheme has its own defects. An official directly accountable to an elected president needs to be responsible for deciding how to allocate limited resources among the many possible areas of federal law enforcement. Moreover, as the so-called independent-counsel law showed, it is difficult, if not impossible, to eliminate political influence simply by making a prosecutor "independent."

In my view, some specific solutions are in fact available. For all criminal statutes, the courts should rigorously apply the rule of lenity that requires that ambiguous statutes cannot serve as the basis for prosecution. The Supreme Court may itself be moving in this direction. For those criminal prosecutions dependent on federal regulations, courts should require a clearer connection between the crime and the underlying regulatory statute than they do for civil matters. And agencies and Congress should make greater use of civil fines than of criminal penalties to police regulatory malefactions. We need the criminal law in large part to control people who are judgment-proof and completely unconcerned with their reputation in polite society. These concerns are less acute in many regulatory contexts and the need for the criminal penalties, as opposed to substantial civil ones, is correspondingly less. The government should prevent people from harming others, but it should do so through the means that cause the least collateral damage. **NR**

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*Reconsiderations*

# Truth Without Bullets

TERRY TEACHOUT

NOVELISTS don't always write about what they know, but when something interesting happens to them, it usually winds up in a book. World War II was the most interesting thing that happened to most of the American novelists who served in it, and most of them duly produced novels based on their experiences, nearly all of which are forgotten. (Who now reads Irwin Shaw's *The Young Lions* or Gore Vidal's *Williwaw*?) The more I read in the literature of the Good War, the more certain I am that it is in memoirs like Donald R. Burgett's *Currahee!* and E. B. Sledge's *With the Old Breed* and the dispatches of such journalists as A. J. Liebling and Ernie Pyle that the very best American wartime writing is to be found—with a single exception. Of the countless novels of World War II written by American vets, the only one to which I return regularly is James Gould Cozzens's *Guard of Honor*.

If you've never heard of *Guard of Honor*, you're not alone. Though it won a Pulitzer Prize in 1949, it is as poorly remembered as the rest of Cozzens's novels, and I doubt that it is ripe for revival. The setting is a stateside Army Air Force base nine months before D-Day, and most of the main characters are desk jockeys who almost certainly never made it to Europe or the South Pacific. Not surprisingly, nobody ever thought to turn the exploits of these indispensable yet invisible warriors into a movie; probably, nobody ever will. Yet *Guard of Honor* is a great novel all the same, the only English-language novel of World War II that can withstand comparison with Evelyn Waugh's *Sword of Honour*.

Cozzens, who died in 1978, is one of the

*Mr. Teachout, drama critic of the* Wall Street Journal *and the chief culture critic of* Commentary, *is the author of* Pops: A Life of Louis Armstrong, *out in December from Houghton Mifflin Harcourt.*

least likely people to have made the cover of *Time*—though it wasn't *Guard of Honor* that put him there. *By Love Possessed*, the 1957 bestseller that won Cozzens a bit more than 15 minutes of fame, was the occasion for a cover story that was sympathetic save for its portraying him as a misanthropic grouch. Dwight Macdonald cherry-picked the story for quotes that he used to devastating effect in his famous essay "By Cozzens Possessed," a no-holds-barred assault that dismissed the book as a windy exercise in middlebrow mediocrity. Alas, the essay was both clever and not entirely wrongheaded—*By Love Possessed* is the weakest of Cozzens's major novels—and it did so much damage to his reputation that his masterpiece vanished in the rubble.

To read *Guard of Honor* after reading "By Cozzens Possessed" is to wonder whether Macdonald might possibly have had some other James Gould Cozzens in mind. *Guard of Honor* is almost as long as *By Love Possessed*, but it's written with a disciplined tautness that makes it feel much shorter. At the same time, anyone familiar with both books will see at once that they are, like all of Cozzens's novels, cut from the same cloth. He had many settings but only one subject—the near-insurmountable obstacles that stand in the way of shedding youthful illusions and seeing the world as it really is—and in *Guard of Honor* he explored it so fully as to leave himself with nothing new to say for the remainder of his writing life.

*Guard of Honor* takes place during 48 hours at Ocanara Army Air Base, somewhere in central Florida. Most of the characters are seen through the eyes of Col. Norman Ross and Capt. Nathaniel Hicks, neither of whom is a career officer. Ross is a 60-year-old judge, Hicks a 38-year-old magazine editor. Both men suppose themselves to be clear-eyed realists, and both find in due course that they still have more than a few things to learn about human nature, theirs included: "There never could be a man so brave that he would not sometime, or in the end, turn part or all coward; or so wise that he was not, from beginning to end, part ass if you knew where to look; or so good that nothing at all about him was despicable."

The occurrence that opens their eyes is a short-lived protest by a group of black pilots who are enraged when they are told that they cannot be admitted to the whites-only Ocanara officers' club. This protest, which is based on a real-life incident, is like a stone tossed in the water of Cozzens's complicated plot. Its ripples touch all of the novel's characters, most of whom did not see what happened and know about it only through more or (mostly) less accurate scuttlebutt. Colonel Ross's job is to paper over the protest and protect the reputation of Ira Beal, the base commander, a talented but immature pilot who is being groomed by his Pentagon superiors for bigger things.

None of this is the stuff of which John Wayne movies are made, but it is enthralling all the same, for in telling the story of the protest and its aftermath, Cozzens takes the reader on a knowing guided tour of Ocanara, in the process showing how things get done in wartime, how they go wrong, and how they get fixed—or not. Along the way we meet people from every walk of life, each of whom is sketched with arresting exactitude. If that makes *Guard of Honor* sound like *Grand Hotel*, rest assured that Cozzens never stoops to once-over-lightly typecasting. His characters, the women included, are individual and recognizable, and before long you find yourself caring very deeply about what is to become of them.

Though we see much of Captain Hicks, who finds himself pulled almost unwittingly into an extramarital involvement with a lonely WAC lieutenant who is the novel's most sensitively drawn character, it is Colonel Ross whose voyage of self-discovery lies at the book's heart. He is, like Melville's Captain Vere, an old man who has experienced much—one of the Wright brothers taught him to fly—and a lifetime of labor in the vineyards of politics has taught him equally hard lessons about the differences between what men say in public and what they do in private. Yet he is taken aback to find that there are younger men of higher rank who cast an even colder eye on the inevitable limitations of their fellow men, and is chastened by the knowledge that he is, like most of us, a man whose experience "fitted him to advise others, rather than himself."

Colonel Ross, we learn, is both a stoic and a pragmatist. Though he has come to the reluctant conclusion that life has no meaning, he also knows that the war against the Axis must be won if unimaginable horrors are not to be loosed on the world, and that in the long run it will likely be won less by heroism than by sheer determination: "A man must stand up and do the best he can with what there is. . . . If mind failed you, seeing no pattern; and heart failed you, seeing no point, the stout, stubborn will must be up and doing. A pattern should be found; a point should be imposed."

Part of what makes *Guard of Honor* so memorable is that its disillusion is untainted by cynicism. Cozzens spent most of the war pushing paper in the Pentagon, an experience that would have inspired the average novelist to write a very different kind of book. He came away believing that most of the people whom he met while in uniform had done their best to do the right thing and, more often than not, done it pretty well.

The result of his experience is a book that might well be described as the inverse of *Catch-22*, just as Cozzens himself was as different from Joseph Heller as a man can be. *Guard of Honor* is full of pointed humor, much of it at the expense of prigs. Yet Cozzens never makes fun of anyone who hasn't earned it, nor does he suggest that the Army's flaws and foolishnesses negate the purpose for which it exists. Midway through the novel, Captain Hicks compares the "simple, unlimited integrity" of Regular Army officers like General Beal, who "accepted as the law of nature such elevated concepts as the Military Academy's Duty-Honor-Country," with the more fashionable views of "men who considered it the part of intelligence to admit that Honor was a hypocritical social sanction protecting the position of a ruling class; or that Duty was self-interest as it appeared when sanctions like Honor had fantastically distorted it." Amused by the thought of what the general would make of such high-minded folk, Hicks imagines him retorting, "What the hell kind of person thought things like that?"

That General Beal's "simplicity" should be tacitly presented by Cozzens as admirable goes a long way toward explaining why *Catch-22* is far better known than *Guard of Honor*—especially by youngsters who know little of the way the world works. When I was in high school, I was sure that *Catch-22* was one of the great American novels. Now I find the baby-black antics of Yossarian and his jeering buddies to be embarrassingly jejune, whereas my admiration for *Guard of Honor* deepens every time I return to it, as I do every year or two. Perhaps I would admire it less if I had had to go to war, but I doubt it. One need not have dodged bullets to know the sharp tang of truth. **NR**

### Film

# Riches of Rags

ROSS DOUTHAT

Two movies about Anna Wintour and *Vogue* have graced theaters in the last four years. First there was *The Devil Wears Prada*, based on a roman à clef by a former Voguette, in which Wintour was thinly disguised as Miranda Priestly, editrix of the fictional *Runway*, and played by Meryl Streep. Now there is *The September Issue*, R. J. Cutler's documentary about the production of *Vogue*'s thickest issue ever—from September 2007, the last gilded autumn before the 2008 crash. And this time, Wintour gets the chance to play herself.

It's fascinating to compare the two performances. Streep's version of Wintour was an entirely secure character in an insecure film. Her Miranda Priestly was serene, imperious, and untroubled by any doubts about the ultimate value of her life's work. But the movie she inhabited couldn't decide whether it agreed with her. One moment, *The Devil Wears Prada* was celebrating the cultural and artistic significance of a magazine like *Runway*/*Vogue*; the next, it was deploring fashion's decadence, superficiality, and pointlessness. The narrative set out to prick the pretensions of its aspiring-journalist heroine, played by Anne Hathaway, who thought of herself as too intellectually and morally serious to work for a fashion magazine. But its conclusion, in which the heroine fled back into the supposedly more high-minded world of newspapers, suggested that she had been right to look down on fashion all along.

*The September Issue*, by contrast, is a straightforward valentine to *Vogue* and the larger fashion world that Wintour's magazine bestrides. There's no moralizing about ephemerality and superficiality in Cutler's documentary, and no suggestion that any of its characters would be better off enrolling in the Columbia School of Journalism. But the rail-thin Empress of Fashion at the center of the story seems oddly insecure about the importance of her work.

Not when she's in action, of course—gliding through the halls of Condé Nast or the salons of European capitals and tersely dismissing outfits, photo spreads, hairstyles, and anything else that doesn't measure up to her exacting standards. Whether she's dampening a subordinate's enthusiasms or raising an eyebrow at a hapless designer, Wintour-the-editor is exactly as advertised: icy, inscrutable, and entirely self-assured.

But facing the camera, shorn of her famous sunglasses, she becomes unexpectedly defensive. Instead of ignoring her industry's critics, she spends the movie's opening frames trying to explain why people feel the need to make fun of fashion. ("Because it scares them or makes them nervous, they put it down.") It's a startling moment: Imagine if John Madden, interviewed for a football documentary, felt the need to begin by defending his sport against people who think that it's just a pointless scrum for musclebound freaks.

*Anna Wintour*

A&E INDIEFILMS

There's a similar sense of insecurity visible in the way that Wintour talks about her siblings, a collection of reasonably impressive British do-gooders whose approval she seems to crave, and lack. ("I think they're very amused by what I do," she ruefully remarks.) Even her daughter doesn't give Wintour any respect: Asked if she wants to follow in her mother's footsteps, the ungrateful child dismisses the business as "a really weird industry" and complains that *Vogue* editors "act like fashion is life." (She's considering law school, naturally.) Faced with such philistinism, Streep's Miranda Priestly would have delivered a ten-minute lecture on the cultural significance of couture. But her mother only sighs and murmurs, "Well, it's early days."

It shouldn't be a surprise, perhaps, that a woman famous for traumatizing her employees, crushing her rivals, and hiding her bird-of-prey good looks behind enormous sunglasses would have a few insecurities about the whole "being Anna Wintour" business. But *The September Issue* suggests, albeit obliquely, that Wintour's insecurities about her line of work have less to do with the fashion world itself than with her place in it.

The heart of the documentary, in this sense, is the contrast between the chilly, sphinx-like editor and her passionate, earthy creative director, Grace Coddington, a former model turned wild-haired composer of gorgeous photo shoots.

Both women are British, both are just past menopause, and both are geniuses. But Coddington's genius is artistic, whereas Wintour's is critical and curatorial. Coddington produces reel upon reel of stunning, arresting, glowing images. Wintour culls them, edits them, and decides—often to her creative director's despair—which to use and which to drop. Coddington pines after the perfect image; Wintour aims, with clinical precision, at the perfect layout for a mega-selling magazine. And the audience's sympathies, naturally, alight on Coddington's quest for beauty and truth, rather than on her editor's quest to build a better magazine.

Without great editors, of course—and great critics, and great connoisseurs—great art would never reach the audience that it deserves. High fashion needs Anna Wintour, chilly and discriminating, as much as it needs romantics like Grace Coddington. But the editor's fame is still a secondhand sort of thing, even when the editor in question drapes herself in Lagerfeld and occupies the front row at every runway show.

And this, I suspect, is the root of Wintour's insecurity—that however hard she works, however much of herself she pours into its pages, her *Vogue* remains a museum for the works of others. In which case, all of her famous, self-dramatizing tics—from her sunglasses to her silences—may be just a way of compensating for the fact that the art she offers us is not her own. **NR**

### *City Desk*

# Dutch City

RICHARD BROOKHISER

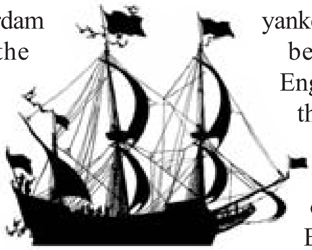
I live in a historical anomaly—an American city not founded by Anglos. As you move south and west, you find others—New Orleans, former Spanish missions in Florida and the southwest. But in America's eastern hearth, New York stands out for beginning life as New Amsterdam.

This year marks the 400th anniversary of Henry Hudson's voyage of discovery, and the city has modestly celebrated his feat. A model of his ship, the *Half Moon*, sits in City Hall Park, and some restaurants are offering Dutch fare. (One of the Dutch boats NR cruised on served a Dutch meal one night; wouldn't gin be more enticing?) The hoopla, or hoop-lite, prompts the question that anniversaries often do: Did the events being commemorated matter? Do they still?

The Dutch were slow to capitalize on Hudson's discovery. They came to trade for furs, not to settle. They did not buy Manhattan until 1626, and its growth was leisurely. England took their colony in 1664. The Dutch took it back in 1673, but for less than a year, after which it returned to the Anglosphere. By 1787 and the *Federalist Papers*, John Jay could write, in full ethno-triumphalist mode, that Providence had given "this one connected country to one united people . . . descended from the same ancestors, speaking the same language, professing the same religion . . . very similar in their manners and customs."

Jay of all people should have known better. His maternal grandfather was Jacobus van Cortlandt, a New Amsterdamer born and bred. It was said of him that he could "scarce speak English." So much, in early New York at any rate, for a common language. Dutch families kept the old tongue as a household heirloom for centuries. Theodore Roosevelt was taught a Dutch nursery rhyme; when he went big-game hunting in South Africa, he noted that the local Boers also knew it. Today Dutch lingers only in place names—Kill Van Kull, Spuyten Duyvil—and in a handful of surnames—De Witt, Schoonmaker, Hornbeck—in Hudson Valley phone books. Did the Dutch have more effect on "manners and customs"? Santa Claus is sprung from the Dutch St. Nicholas, but he is about as authentic as Kwanzaa. He was reimagined by Washington Irving, set to jingling rhyme by Clement Clarke Moore, and depicted with his robe, white beard, and sack by Thomas Nast—all in the 19th century. Irving created two other great myths, the Legend of Sleepy Hollow and Rip Van Winkle. Both have Dutch characters. Brom Van Brunt is a winner; he scares off his Yankee rival, Ichabod Crane, and gets the girl. Rip Van Winkle is more poignant: He sleeps through the American Revolution, and when he awakes as an old man is nearly arrested as a Tory.

The Dutch had a more consequential effect on New York's, and America's, religion. Jay said we all professed a "common" one. New Amsterdam had an established one—the Dutch Reformed Church. But like the home country, Holland, the colony allowed a proliferation of sects, including Jews (New Amsterdam's first Jews were fleeing the Inquisition in Brazil). The noblest expression of this ethos is the Flushing Remonstrance. Flushing (named after Vlissingen, a village in Holland) is now a neighborhood in Queens. In the mid-17th century it was an outlying hamlet. In 1657 its inhabitants were ordered by the governor of the colony to shut their doors to Quakers. In response they wrote their governor a lecture on God's ways to man, and men's toward one another:



> The law of love, peace and liberty . . . extending to Jews, Turks and Egyptians, as they are considered sons of Adam . . . is the glory of the outward state of Holland; so love, peace and liberty, extending to all in Christ Jesus, condemns hatred, war and bondage. And because our Savior sayeth it is impossible but that offences will come, but woe unto him by whom they cometh, our desire is not to offend one of his little ones, in whatsoever form, name or title he appears in, whether Presbyterian, Independent, Baptist or Quaker, but [we] shall be glad to see anything of God in any of them, desiring to do unto all men as we desire all men should do unto us, which is the true law both of Church and State; for our Savior sayeth this is the law and the prophets.

Today the ACLU would not permit this statement to be read on public property (whose Savior, pal?), yet they would agree with its conclusions. Thirty-one men signed it, though six of them could do so only by making their marks. They could not write, but they could think, and they laid down a marker.

Ironies surround the episode. The signatories were Englishmen, lured to the Dutch colony by, among other things, the promise of religious freedom. Their letter, appealing to Dutch law, challenged the Dutch governor. Peter Stuyvesant, a one-legged soldier, was an effective administrator, but had no patience for nonconformity. He arrested four of the signers, and compelled them to recant. Ultimately his bosses in Holland yanked his chain, and made him behave himself. When the English took over the colony they established their own church, the Anglican. But the genie was already out of the bottle. One early English governor mused that New York had "singing Quakers, ranting Quakers, Sabbatarians; anti-Sabbatarians; some Anabaptists, some Independents; some Jews; in short of all sorts of opinions there are some, and the most part [are] of none at all."

It's that last sly observation—that most New Yorkers were faithless—that alarms critics of the city and the great free-for-all it represents. If everybody does his thing, soon nothing will get done. Experience argues otherwise. We are the capital of atheism and vice, but you can find plenty of faith here, if you lift your nose up from the *Times*. The Dutch may not have intended this state of things—what are pelt futures trading at, they would ask?—but they left it for us. **NR**

# Happy Warrior

BY MARK STEYN

## King Ted

I WAS overseas when Sen. Edward Kennedy died, and a European reporter asked me what my "most vivid memory" of the great man was. I didn't like to say, because it didn't seem quite the appropriate occasion. But my only close encounter with the Lion of the Senate was many years ago at Logan Airport late one night. A handful of us, tired and bedraggled, were standing on the water shuttle waiting to be ferried across the harbor to downtown Boston. A sixth gentleman hopped aboard, wearing the dark-suited garb of the advance man, and had a word in a crew member's ear, and so we waited, and waited, in the chilly Atlantic air, wondering which eminence was the cause of our delay. And suddenly there he was on the quay, looming out of the fog. He stepped aboard. The small launch lurched and rocked, waves splashed the deck, luggage danced in the air, and the five of us all grabbed for whatever rail was to hand as the realization dawned that we'd been signed up for a watery excursion with Senator Kennedy.

NEWSCOM

This was Ted at his most ravaged, big and bloated, before his new wife (also in attendance) had had a chance to get his excesses under control. One of the recurring refrains of the weeks of eulogies was his apparently amazing affinity for "ordinary people," as if this were now some kind of personal achievement for a United States senator, who after all can't be expected to have the same careless ease with the common run of humanity as, say, one of the more inbred late Ottoman sultans. But Ted, we were assured, was great with "ordinary people." Not that night, he wasn't. He stood in the center and glanced at us, awkwardly, in the way of celebrities who find themselves outside their comfort zone and aren't sure the "ordinary people" know quite what the rules are. I assumed he'd offer a casual "Hey, sorry for keeping you waiting" before the roar of the motor prevented further conversation. But he said nothing, which, given that the other passengers were his constituents, struck me as a little odd.

Years later, I saw him again, in action at the Senate. Well, not in "action." It was the impeachment trial of President Clinton, and for some reason the emirs of Incumbistan had been prevailed upon to come in on a Saturday for the proceedings. Under the convoluted trial procedures, members of the Senate had to submit questions to their respective party leaders, who then passed them to the chief justice, who then read them out. So the pages were run off their feet ferrying lethal interjections from lead Democrat saboteurs Tom Harkin and Patrick Leahy up to the minority leader, Tom Daschle. One page had barely dropped off Senator Harkin's question when the wheezing, heaving senator from Massachusetts called him over. From up in the gallery, I thought, "Aha!" I was there to cover the trial for various British and Commonwealth newspapers, and, as Ted Kennedy's the only senator any foreigners have heard of, his contribution to date had been disappointing: He had spluttered to life in the preceding weeks only to cough Mount St. Helens–scale eruptions across the chamber. He declined to cover his coughs. Indeed, he gave the vague sense of assuming that's what the rest of the Democratic caucus was there for. I remember Blanche Lincoln shooting him a disapproving look after one Niagara of saliva came her way.

So, on this Saturday afternoon, his unexpected contribution to the trial would clearly be a major part of my coverage. What devastating interjection, I wondered, would he be springing on the prosecutors? The page padded silently over to the senator's seat in the back. Ted whispered to him, and the page made his way to the end of the row, then worked his way along the row in front, squeezing past senators until he was directly facing Ted's desk. He then dropped to his knees—which, as it turned out, was the nearest the Clinton trial would ever get to a restaging of the acts at issue. But instead he leaned under the desk and adjusted Ted's footrest by an inch and a half. The senior senator from Massachusetts seemed satisfied, and the page was squeezing his way back past the other senators when Ted motioned him to return. Ignoring a frantic Pat Leahy waving some critical note for Tom Daschle, the page reversed course, squeezed past Senator Graham of Florida yet again, and dropped to his knees to move Ted's footrest another smidgeonette. He then rushed off to pick up Senator Leahy's note. Senator Kennedy didn't thank him.

I have been received at Buckingham Palace, and over the years I've also met the Queen of Spain, the Queen of the Netherlands, and various other royal personages. And I can't imagine any of them demanding of their footmen what Ted Kennedy did. But then they're only Euro royalty, not Massachusetts royalty. "At the end of the day," said Evan Bayh of his colleague, "he cared most about the things that matter to ordinary people." This was, observed many a eulogist, his penance for Chappaquiddick and Mary Jo Kopechne—or, as the Aussie *Daily Telegraph*'s Tim Blair put it, "She died so that the Food Allergen Labeling and Consumer Protection Act might live." This, of course, is the classic trade-off of monarchical societies throughout the ages: The sovereign's industrial-scale exercise of his *droit de seigneur* with whatever comely serving wench crosses his path is mitigated by his paternalistic pity for the humblest of his subjects.

Strange how the monarchical urge persists even in a republic two-and-a-third centuries old. Time to mothball the Camelot footstools? I hope so. **NR**

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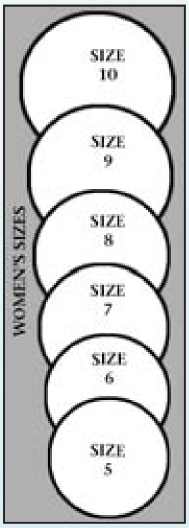

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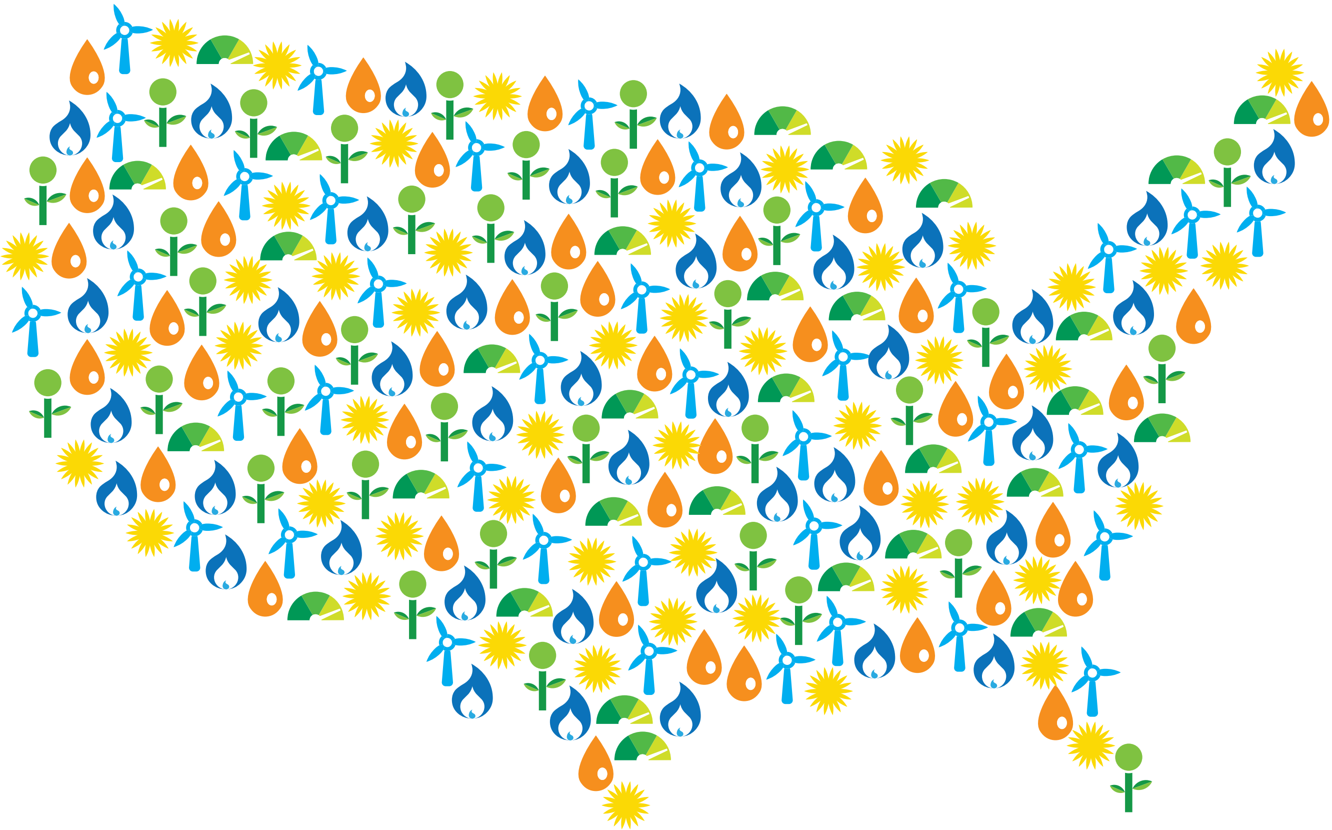

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